



**World Justice
Project**

The Rule of Law in Afghanistan

Key Findings from 2019

Acknowledgments

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I

About this Report

About this Report

EFFECTIVE RULE OF LAW reduces corruption, combats poverty and disease, and protects people from injustices large and small. As governments face the devastating economic and social effects of the novel Coronavirus (COVID-19) pandemic, identifying and addressing rule of law issues related to transparency, corruption, human rights, and the delivery of justice will be paramount to the recovery process. To be effective, however, efforts to strengthen the rule of law require an adequate basis for its evaluation and measurement. *The Rule of Law in Afghanistan: Key Findings 2019* presents a comprehensive portrait of the rule of law over time in Afghanistan through new data collected from the general public, in-country legal practitioners, and individuals incarcerated in the Afghan prison system.

This report is divided into two groupings of thematic briefs that highlight rule of law outcomes. The first grouping—comprising Sections Two and Three—provides an overview of rule of law in Afghanistan. These briefs draw on two sources of primary data collected by the WJP: a General Population Poll (GPP) and a series of Qualified Respondents' Questionnaires (QRQs). The GPP was conducted via face-to-face interviews in September of 2019 to a nationally representative sample of 3,019 Afghan households. The QRQs were administered online from May through September of 2019 to 24 in-country legal practitioners and academics with expertise in civil and commercial law; constitutional law, civil liberties, and criminal law; labor law; and public health.

The first grouping of briefs includes the country profile for Afghanistan as featured in the *WJP Rule of Law Index® 2020* report. This profile aggregates data from the GPP and QRQ into a series of scores for each of the Index's factors and sub-factors, and draws comparisons between Afghanistan's performance and the performance of other indexed countries in the same regional and income groups. The data derived from the GPP and the QRQs are further explored as 12 thematic briefs that provide a more in-depth view of the data underlying Afghanistan's Index scores. These briefs illuminate key changes over time, and touch upon question-level findings related to issues of accountability, corruption, bribery victimization, fundamental freedoms, crime, performance of the justice system, police performance, criminal courts, legal awareness, access to civil justice, women in Afghan society, and trust in institutions.

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

The second grouping of thematic briefs—comprising Sections Four and Five—is designed to explore the performance of Afghanistan's formal criminal justice system from the unique perspective of Afghans that have experienced it first-hand. Publicly available data on these experiences in Afghanistan are extremely limited or non-existent. To address this gap, the WJP piloted an Afghan Inmates Survey, collecting ground-breaking, original data from individuals incarcerated in the Afghan prison system. The Afghan Inmates Survey—the result of a year-long coordinated effort between the WJP and government agencies in the United States and Afghanistan—was administered via modified face-to-face interviews in December of 2019 through January of 2020. To ensure representativeness, the survey was administered to a stratified sample of 557 men incarcerated in five prisons in Afghanistan: Pol-i-Charkhi, Balkh, Herat, Kandahar, and Nangarhar.¹

To highlight different facets of the criminal justice system, these briefs begin with a dashboard of criminal justice performance indicators that summarizes data from the Afghan Inmates Survey and the GPP on different dimensions of law enforcement and criminal court performance. The data derived from the Afghan Inmates Survey are further explored in seven thematic briefs that provide unparalleled insights into inmates' experiences in Afghanistan's criminal justice system—from the moment of their arrest through the criminal trial process. These pages explore the socio-demographics of the interviewed inmates as well as their experiences with due process during arrest, mistreatment during arrest, the post-arrest process, mistreatment during interrogation, the primary and appellate trial processes, and legal representation. Each brief also highlights key changes observed over time by comparing the experiences of inmates who were arrested between 2017 and 2019 to those who were arrested before 2017.

In total, the findings in this report represent the experiences and perceptions of more than 17,500 Afghans interviewed over five years. It is our hope that this report illuminates institutional strengths and weaknesses, informs future research, encourages data-driven policy choices, and guides program development to strengthen the rule of law in Afghanistan.

¹ For additional methodological information, please see the Project Design section of this report.

Executive Findings

The Rule of Law in Afghanistan: Key Findings 2019 report represents the experiences and perceptions of more than 17,500 Afghans interviewed over five years. The thematic briefs summarized below draw on new data collected from the general public, in-country legal practitioners, and individuals incarcerated in the Afghan prison system to provide a comprehensive overview of rule of law in Afghanistan and an in-depth assessment of the criminal justice system's performance over time. Despite improvements in rule of law outcomes over time, these briefs illuminate that many challenges—including corruption, impunity, human rights, and due process during arrest and criminal investigations—remain.

General Public and Expert Practitioners

1 GOVERNMENT ACCOUNTABILITY

There is a high perception of impunity in Afghanistan. When presented with a hypothetical situation in which a high-ranking government officer is caught embezzling government funds, 25% of Afghans believed that the accusation would be completely ignored by authorities, and only 19% of Afghans believed that the government officer would be prosecuted and punished. The perception of impunity varies across Afghanistan, with the Southwest region having the highest percentage of respondents that believed the government officer would be prosecuted and punished (59%), and the Capital region having the lowest (12%). Compared to perceptions of accountability across South Asia, Afghans had higher perceptions of impunity than respondents in Bangladesh, India, Nepal, Pakistan, and Sri Lanka.

2 CORRUPTION ACROSS INSTITUTIONS

Afghans perceive widespread corruption among authorities in Afghanistan. Police are viewed as the least corrupt, with 38% of Afghans reporting that they believe most or all police officers are involved in corrupt practices. Despite a small improvement over the last year, judges continue to be viewed as the most corrupt authority, with 59% of respondents believing that most or all judges are involved in corrupt practices. Since 2014, perceptions of corruption have increased the most for national government officers, with nearly half of Afghans (48%) now believing that most or all are involved in corrupt practices, compared to 33% in 2014.

3 BRIBERY VICTIMIZATION

Bribery victimization is common in Afghanistan. Forty-five percent (45%) of respondents paid a bribe in the last three years in order to request a government permit or document. Nearly one-quarter of respondents reported that they paid a bribe to obtain a birth certificate or government-issued ID (24%) and to receive medical services at a public hospital (24%). Afghans paid bribes least often to enroll their child in a public school (20%). Although reported bribery victimization rates vary by region and by service, more respondents reported paying a bribe in the Southwest, on average.

4 FUNDAMENTAL FREEDOMS

Afghans have mixed views on their fundamental freedoms. Although a majority of respondents, on average, believed that their political (63%), media (62%), and religious (70%)

freedoms are guaranteed, perceptions vary when it comes to individual freedoms in these categories. Three-quarters (75%) of respondents agreed that people can join together to draw attention to an issue or sign a petition, but only 59% of respondents agreed that civil society organizations can express opinions against the government and only 50% of respondents agreed that people are free to join any unforbidden political organization. While Afghans' views on fundamental freedoms in the country have declined since 2014, perceptions of political, media, and religious freedoms have increased over the last year.

5 CRIME VICTIMIZATION

Nearly 20% of Afghans reported that they were the victim of any crime in the last year. When asked about the crime they most recently experienced, more respondents reported that they were the victim of theft (10%) and robbery (3%) than were the victim of vandalism (1%) and burglary (1%). Victimization varies by region and by type of crime across Afghanistan, with the largest percentage of respondents reporting that they were most recently the victim of vandalism in the South (2%) and the Southwest (2%), the largest percentage of respondents reporting that they were most recently the victim of theft and burglary in the West (15% and 2%, respectively), and the largest percentage of respondents reporting that they most recently were the victim of robbery in the Southwest (12%).

6 CRIMINAL JUSTICE SYSTEM

Afghans report low levels of confidence in the criminal justice system. Afghans were the most confident that the criminal justice system is effective in bringing people who commit crimes to justice, but were less confident in other aspects of the justice system's performance. Only about half of respondents were confident that the system is accessible to everyone (55%), that it assigns punishments to fit the crime (54%), that victims are able to receive the services and support they need (53%), and that people accused of crimes get a fair trial regardless of who they are (55%). These concerns are also echoed by in-country criminal justice experts, who flagged corruption, lack of prosecutorial independence, inadequate protections, and lack of proper investigation methods among the biggest problems faced by criminal investigative services in Afghanistan.

7 POLICE

Perceptions of the police are mixed in Afghanistan. Afghans' perceptions of police performance are the most positive, with a majority of respondents believing that the police performed well when resolving security problems in their communities (73%), treating people with respect (65%), and helping people feel safe at home (64%). However, fewer respondents believed that members of the police would be held accountable for breaking the law (52%) and that police respect basic rights of suspects (50%). Although perceptions of police accountability and police corruption are similar to perceptions observed in 2014, there has been a small improvement in perceptions of accountability since 2018.

8 CRIMINAL COURTS

Despite perceptions improving over the last year, Afghans have low levels of confidence in the criminal courts. Only forty-seven percent (47%) of respondents believed that criminal courts always or often guarantee everyone a fair trial. In-country criminal justice experts pointed to corruption, lack of judicial independence, poor judicial decisions, and the excessive use of pre-trial detention among the biggest problems faced by the courts in Afghanistan.

9 LEGAL AWARENESS

Afghans have moderate knowledge of their due process rights, land rights, and women's rights. When asked a series of 10 true or false statements about legal rights, Afghans answered a total of 6.8 correctly, on average. The largest percentage of respondents were able to correctly answer questions related to women's legal rights. Women and men have the same level of legal awareness on average (answering 6.8 of 10 questions correctly), while respondents reporting any amount of formal education fared slightly better (answering 6.9 of 10 questions correctly).

10 ACCESS TO CIVIL JUSTICE

More than half of Afghans (61%) have experienced at least one legal problem in the past two years. The most commonly experienced forms of legal problems were related to land (27%), housing (24%), and family (22%). Only 38% of Afghans who experienced a legal problem were able to access any form of help to solve their problem. Forty-nine percent (49%) of those with a legal problem experienced a hardship as a result, with interpersonal (28%) and health-related (26%) hardships being the most common negative impacts reported.

11 WOMEN IN SOCIETY

Legal documentation, literacy rates, and views regarding the role of women in Afghan society differ among men and women. There are minor differences in views on whether a woman should be able to seek a divorce and whether a female child should be entitled to inheritance, but the gap in perceptions 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 40% of men shared this view. Similarly, 64% of women agreed that a man does not have the right to hit his wife and should be stopped, while only 52% of men agreed with this statement. When asked

about legal identification, 96% of male respondents reported that they possessed a National ID card compared to 79% of women respondents. More men also reported that they could read and write (55%) than did women (28%) in 2019.

12 TRUST IN INSTITUTIONS

Afghans have a high degree of trust in their fellow citizens, with 78% reporting that they have a lot or some trust in other people living in Afghanistan. Across institutions, respondents have the most trust in the police (64%) and the least trust in the courts (45%). Over the past year, perceptions of trust have improved for the courts, but have declined for local government officers, the police, and people living in Afghanistan.

Inmates

13 INMATE DEMOGRAPHICS

Inmates in Afghanistan commonly report that they had low levels of education, limited income, and chronic health conditions before they were arrested. When asked about the accusations that led to their current incarceration, the majority of inmates reported that they had been arrested before they were 30 years old (62%). Roughly half of inmates reported that they had no formal education (48%), that they suffered from a physical or mental health condition (21% reporting a physical health condition, 14% reporting a mental health condition, and 11% reporting they had both, respectively), and that they earned 8,000 Afghanis or less per month prior to their arrest (50%). Crimes related to drugs and corruption were the most common categories of crimes for which inmates were accused, with 31% reporting that they had been arrested for crimes related to drugs, alcohol, and weapons, and 28% reporting that they had been arrested of crimes related to corruption and finance.

14 ARREST PROCESS

Adherence to due process during arrest is weak in Afghanistan, but has improved over time. On average, inmates arrested between 2017 and 2019 were more likely to report that they were explicitly told that they were under arrest (54%), they were informed of the reason for their arrest (61%), they were not verbally threatened (65%), and that they were not asked for a bribe (67%) than inmates arrested before 2017. Although inmates arrested between 2017 and 2019 were also more likely to report that they were arrested without violence, the percentage remained low: only 34% responded that their arrest occurred without physical violence. Comparing experiences of inmates arrested between 2017 and 2019 across law enforcement authorities, a larger percentage of inmates arrested by the Afghan Local Police reported that law enforcement identified themselves (78%), that they were told they were under arrest (70%), and that they had been informed of the reason for their arrest (78%). Similarly, a larger percentage of inmates arrested by the Afghan National Police during the same period reported that they were arrested without being verbally threatened (78%), without being asked for a bribe (76%), and without physical violence (38%).

Executive Findings, continued

15 MISTREATMENT AFTER ARREST

It remains common that suspects in Afghanistan are not taken to official law enforcement facilities immediately after being arrested, and that they experience different forms of mistreatment following their arrest. Approximately one-third of inmates arrested by the Afghan Local Police (35%), the Afghan National Police (35%), and the National Directorate of Security (36%) between 2017 and 2019 reported that they were not taken directly to a law enforcement facility after their arrest. Nearly all of those inmates reported that they experienced at least one form of mistreatment before arriving at a law enforcement facility. Although the types of mistreatment reported by inmates varied by arresting authority, being kicked, punched, or beaten was the most commonly reported, with 86% of inmates arrested by the Afghan Local Police, 69% of inmates arrested by the Afghan National Police, and 83% of inmates arrested by the National Directorate of Security reporting experiencing this type of mistreatment.

16 POST-ARREST PROCESS

Adherence to due process after arrest is weak in Afghanistan, but has improved over time. On average, inmates arrested between 2017 and 2019 were more likely to report that upon their arrival at a law enforcement office their arrest was documented (81%), they were not asked for a bribe (73%), and that they were given adequate food and water (58%) than inmates arrested before 2017. Although other improvements in due process were noted, overall adherence remained weak: for inmates arrested between 2017 and 2019, only 49% reported that they were informed of their right to have an attorney, 33% reported that they were informed of their right to remain silent, and 22% reported that they had been allowed to contact a family member. Comparing experiences of inmates arrested between 2017 and 2019 across law enforcement facilities, a larger percentage of inmates taken to a police station reported that their arrest was documented (84%), whereas a larger percentage of inmates taken to a National Directorate of Security facility reported that they were provided adequate food and water (65%). Similarly, a larger percentage of inmates taken to a military detention facility during the same period reported that they were not asked for a bribe (75%), they were informed of their rights to remain silent (41%) and to have an attorney (65%), and that they were allowed to contact their family (36%).

17 MISTREATMENT DURING INTERROGATION

Mistreatment of suspects during law enforcement interrogation remains common in Afghanistan. The majority of inmates reported that they experienced at least one form of mistreatment during interrogation. Despite a decline in the percentage of inmates that reported experiencing mistreatment over time, rates of mistreatment remained high for inmates arrested between 2017 and 2019, with 82% of inmates interrogated at a police

station, 86% of inmates interrogated at a National Directorate of Security facility, and 53% of inmates interrogated at a military detention facility reporting that they experienced at least one form of mistreatment. For inmates that experienced mistreatment at a police station, the largest percentages reported being beaten (61%), forced to stay awake (49%), and denied access to the bathroom (43%). For inmates interrogated at a National Directorate of Security facility, the largest percentages reported being beaten (83%), prevented from seeing (81%), and forced to stay awake (71%). For inmates interrogated at a military detention facility, the largest percentages reported being beaten (36%), denied access to the bathroom (31%), and forced to stay awake (30%).

18 TRIAL PROCESS

Due process during criminal trials in the formal court system has improved over time in Afghanistan. Inmates that were arrested between 2017 and 2019 were more likely to report that they were present each day of their primary and appellate trials (89% and 95%, respectively) than inmates arrested before 2017. The greatest improvement over time was seen in the percentage of inmates that were given the opportunity to speak during trial, which increased from 37% (for inmates arrested before 2017) to 59% (for inmates arrested between 2017 and 2019) during the primary trial, and from 47% (for inmates arrested before 2017) to 65% (for inmates arrested between 2017 and 2019) during the appellate trial. For both the primary and appellate trials, inmates arrested between 2017 and 2019 were also more likely to report that the judge was present each day, the prosecutor was present each day, and that the trial was held in an official courtroom. Despite these improvements, however, evidence remains underutilized during trial: only 63% of inmates arrested between 2017 and 2019 reported that evidence was introduced by the prosecutor during the primary and appellate court trials.

19 LEGAL REPRESENTATION

Legal representation during the criminal justice process has become more common in Afghanistan over time, but many challenges remain. Although access to defense attorneys during interrogation has improved over time, the percentage of inmates reporting that they had an attorney present remained low: less than one-third of inmates arrested between 2017 and 2019 had a defense attorney present during law enforcement interrogation (28%) and prosecutor interrogation (31%). Inmates are now more likely to report that they were represented by a defense attorney during their primary trial, with 78% of inmates arrested between 2017 and 2019 reporting that they had a defense attorney, compared to only 51% of inmates arrested before 2017. However, it remains common for defense attorneys to meet their clients for the first time at the beginning of trial proceedings, with only 27% of inmates arrested between 2017 and 2019 reporting that they met their attorney prior to the first day of the trial.

section

II

WJP Rule of Law Index Country Profile

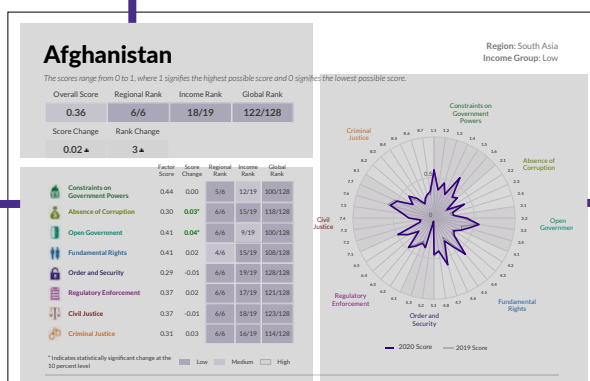
How to Read the Country Profile

This section presents the country profile for Afghanistan as included in the *WJP Rule of Law Index® 2020* report.

The profile presents scores for each of the WJP Rule of Law Index's factors and sub-factors, and draws comparisons between the scores of the featured country and the scores of other indexed countries in the same regional and income groups. Scores range from 0 to 1, where 1 signifies the highest possible score (strong adherence to rule of law) and 0 signifies the lowest possible score (weak adherence to rule of law). The country profiles consist of four sections, outlined below.

Displays the country's overall rule of law score; its overall regional, income, and global ranks; and its change in score and rank from the 2019 edition of the Index.

Section 1



Section 2

Displays the featured country's individual factor scores, along with its regional, income, and global group rankings. The regional, income, and global rankings are distributed across three tiers – low, medium, and high – as indicated by the color of the box where the score is found.



Section 3

Displays the country's disaggregated scores for each of the sub-factors that compose the *WJP Rule of Law Index*.

The featured country's score is represented by the purple bar and labeled at the end of the bar. The average score of the country's region is represented by the orange line. The average score of the country's income group is represented by the green line.

Section 4

Presents the individual sub-factor scores underlying each of the factors listed in Section 3 of the country profile.

Each of the 44 sub-factors is represented by a gray line drawn from the center to the periphery of the circle. The center of the circle corresponds to the worst possible score for each sub-factor (0), and the outer edge of the circle marks the best possible score for each sub-factor (1).

The featured country's scores for 2020 are represented by the purple line. The featured country's scores for 2019 are represented by the gray line.

Afghanistan

Region: South Asia
Income Group: Low

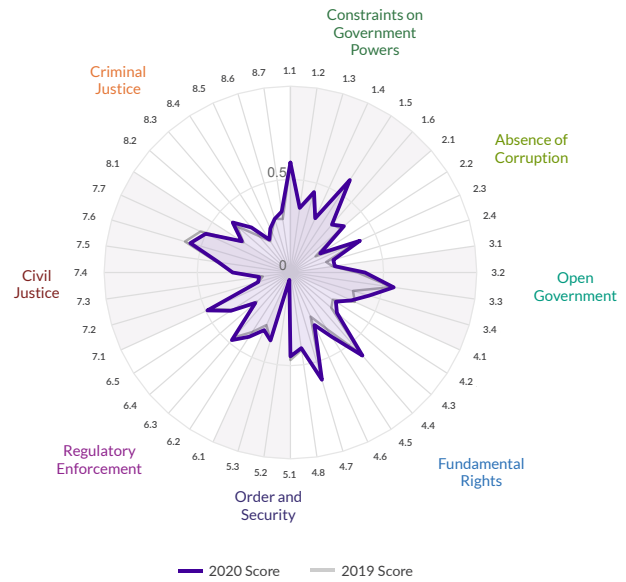
The scores range from 0 to 1, where 1 signifies the highest possible score and 0 signifies the lowest possible score.

Overall Score	Regional Rank	Income Rank	Global Rank
0.36	6/6	18/19	122/128
Score Change	Rank Change		
0.02 ▲	3 ▲		

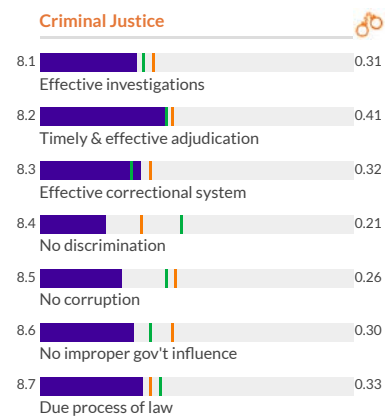
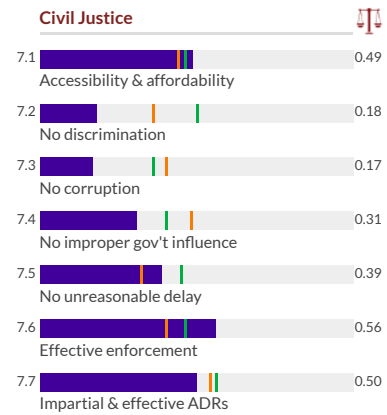
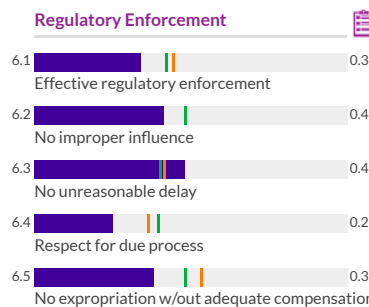
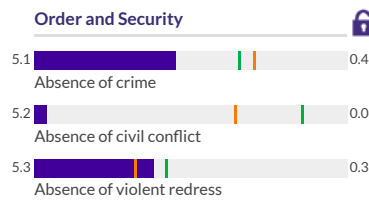
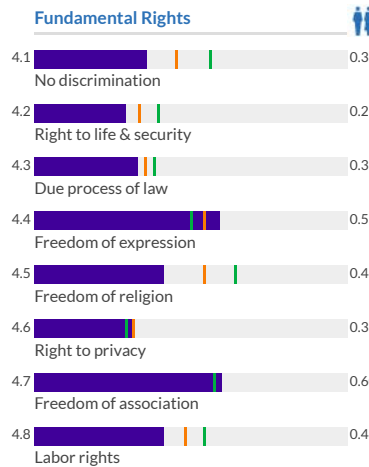
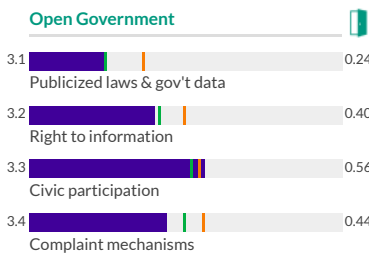
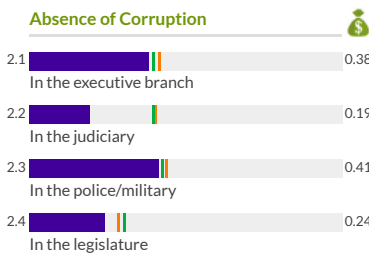
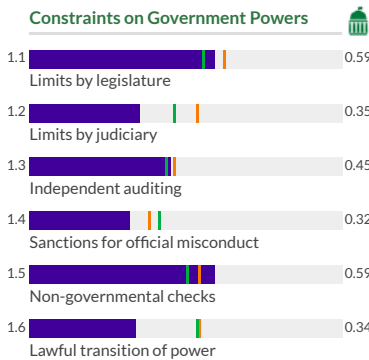
	Factor Score	Score Change	Regional Rank	Income Rank	Global Rank
Constraints on Government Powers	0.44	0.00	5/6	12/19	100/128
Absence of Corruption	0.30	0.03*	6/6	15/19	118/128
Open Government	0.41	0.04*	6/6	9/19	100/128
Fundamental Rights	0.41	0.02	4/6	15/19	108/128
Order and Security	0.29	-0.01	6/6	19/19	128/128
Regulatory Enforcement	0.37	0.02	6/6	17/19	121/128
Civil Justice	0.37	-0.01	6/6	18/19	123/128
Criminal Justice	0.31	0.03	6/6	16/19	114/128

* Indicates statistically significant change at the 10 percent level

Low Medium High



— Afghanistan — South Asia — Low



section

III

Thematic Findings from the General Public and Expert Practitioners

Government Accountability

Perceptions of government accountability in Afghanistan and select peer countries

Chart 1a. Perceptions of Accountability in Afghanistan over Time

Most likely outcome if a high-ranking government officer is caught embezzling public funds

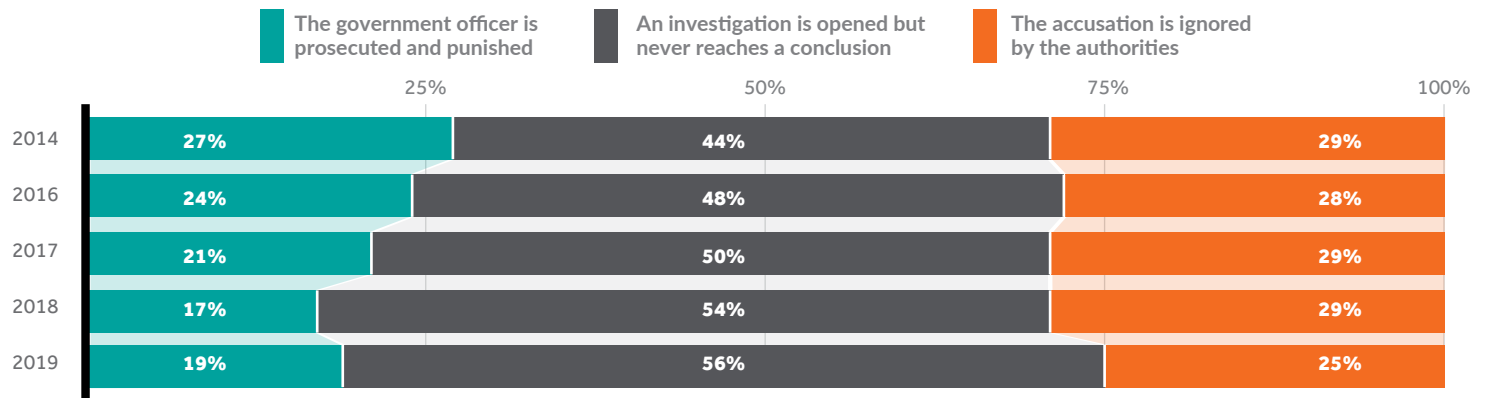


Chart 1b. Perceptions of Accountability Across Peer Countries

Most likely outcome if a high-ranking government officer is caught embezzling public funds

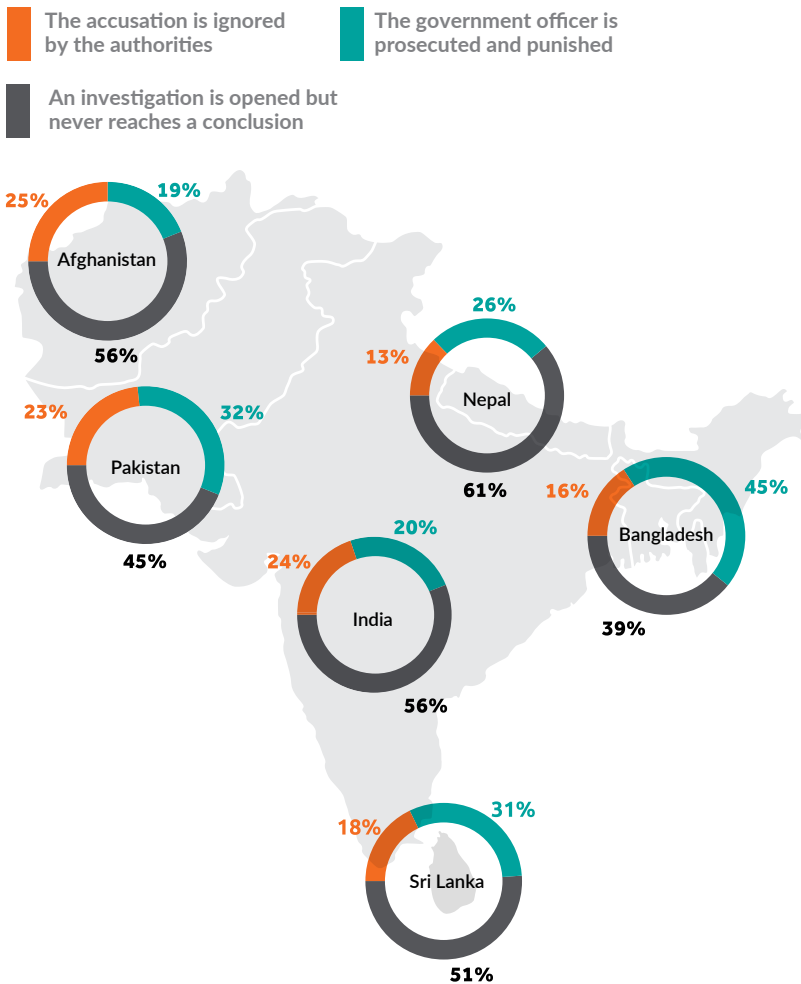
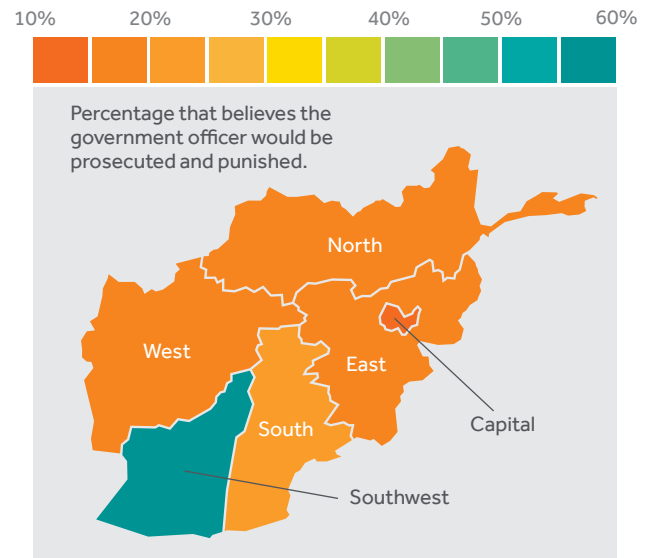


Chart 1c. Perceptions of Accountability Across Afghanistan

Most likely outcome if a high-ranking government officer is caught embezzling public funds



Source: WJP General Population Poll 2014, 2016, 2017, 2018 & 2019 (Chart 1a.); WJP General Population Poll 2016, 2017, 2018 & 2019 (Chart 1b.); WJP General Population Poll 2019 (Chart 1c.)

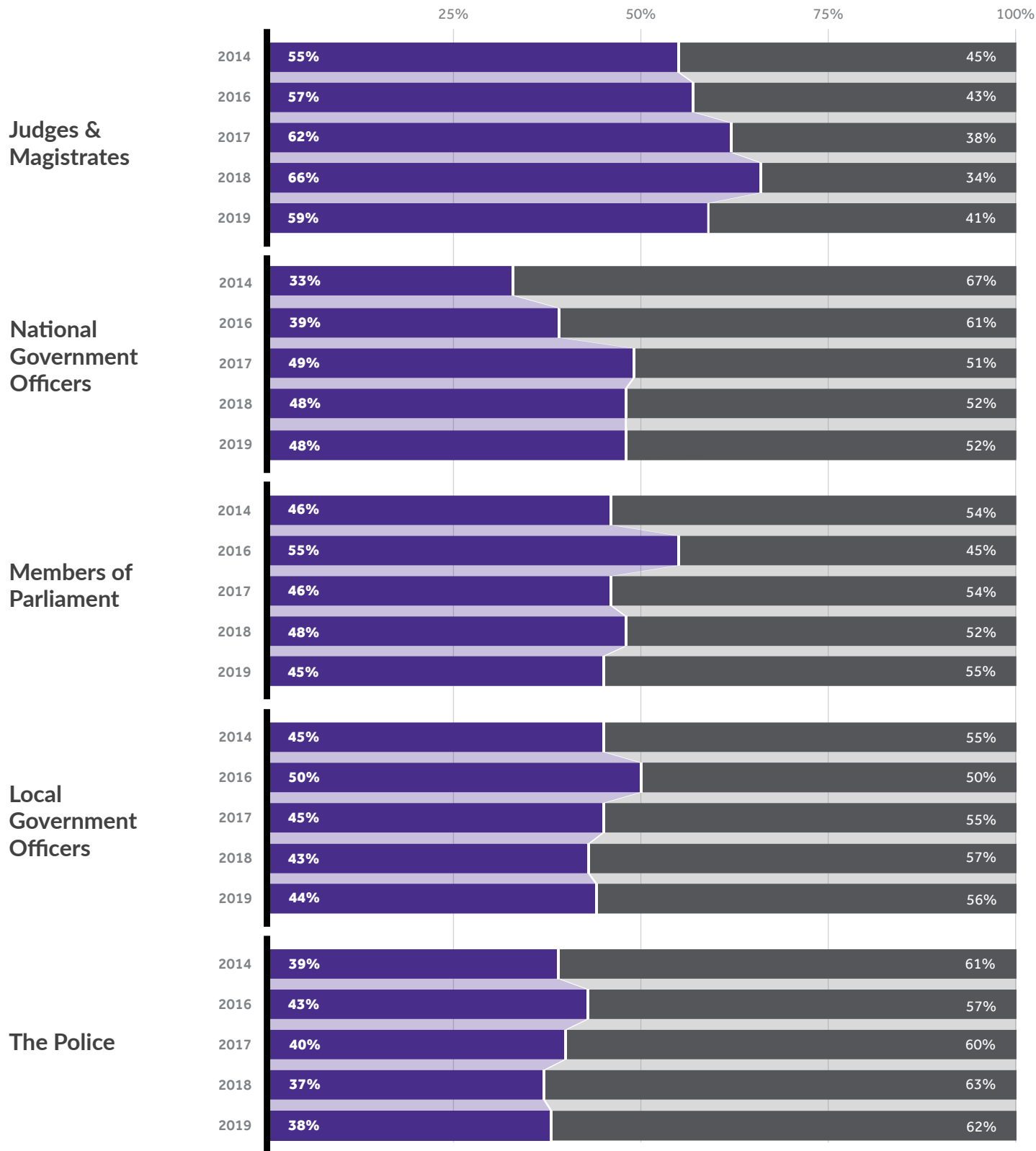
Corruption Across Institutions

Perceptions of corruption across institutions in Afghanistan

Chart 2. Perceptions of Corruption in Afghanistan over Time

Perceptions about the number of authorities involved in corrupt practices

All / Most Some / None



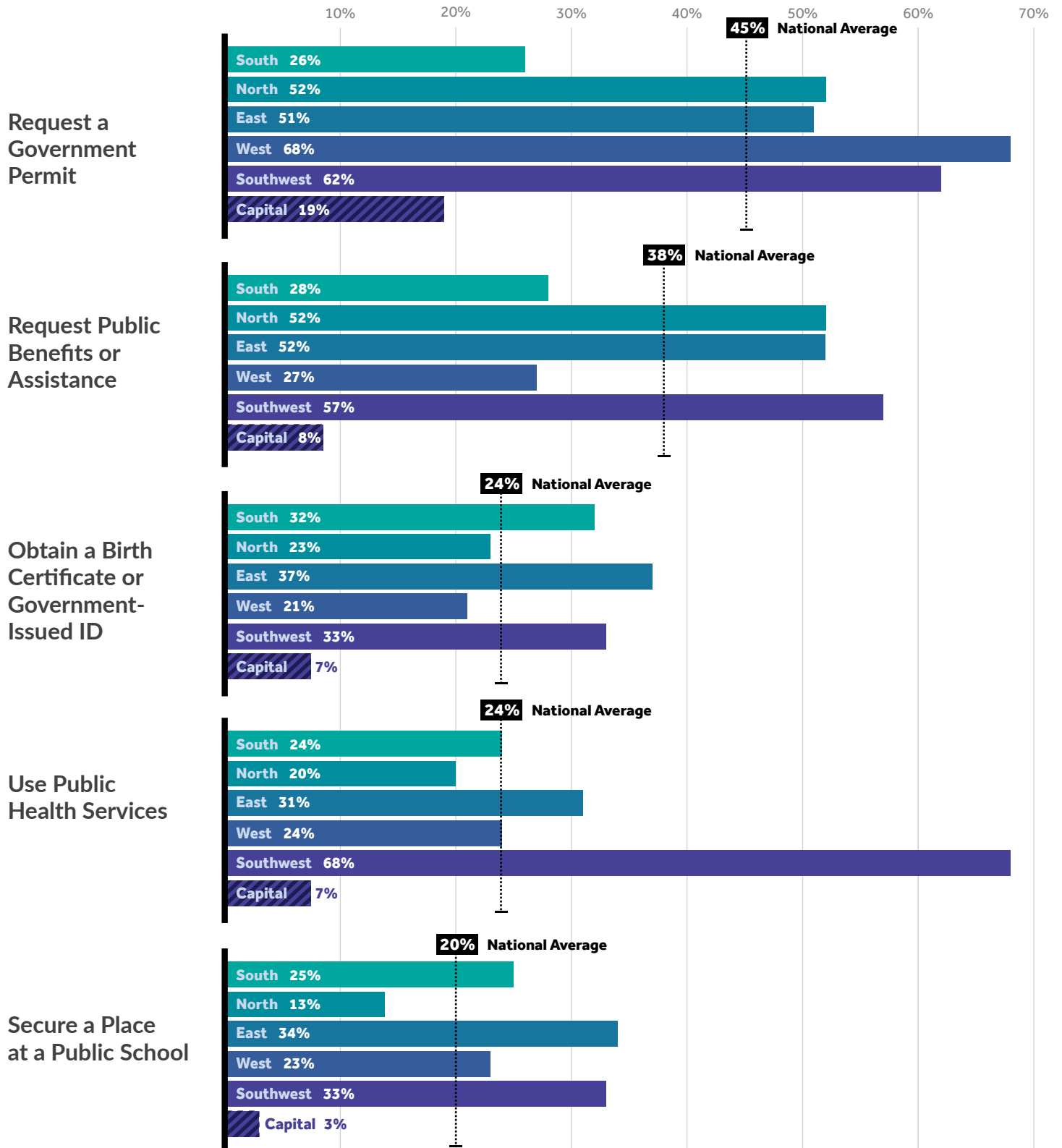
Source: WJP General Population Poll 2014, 2016, 2017, 2018 & 2019

Bribery Victimization

Bribes paid in Afghanistan to access public services

Chart 3. Bribery Victimization in Afghanistan by Category

Percentage of respondents who had to pay a bribe in the last three years to...



Source: WJP General Population Poll 2019

Fundamental Freedoms

Perceptions of whether political, media, and religious freedoms are guaranteed in Afghanistan

Chart 4a. Fundamental Freedoms in Afghanistan

Views on political, media, and religious freedoms

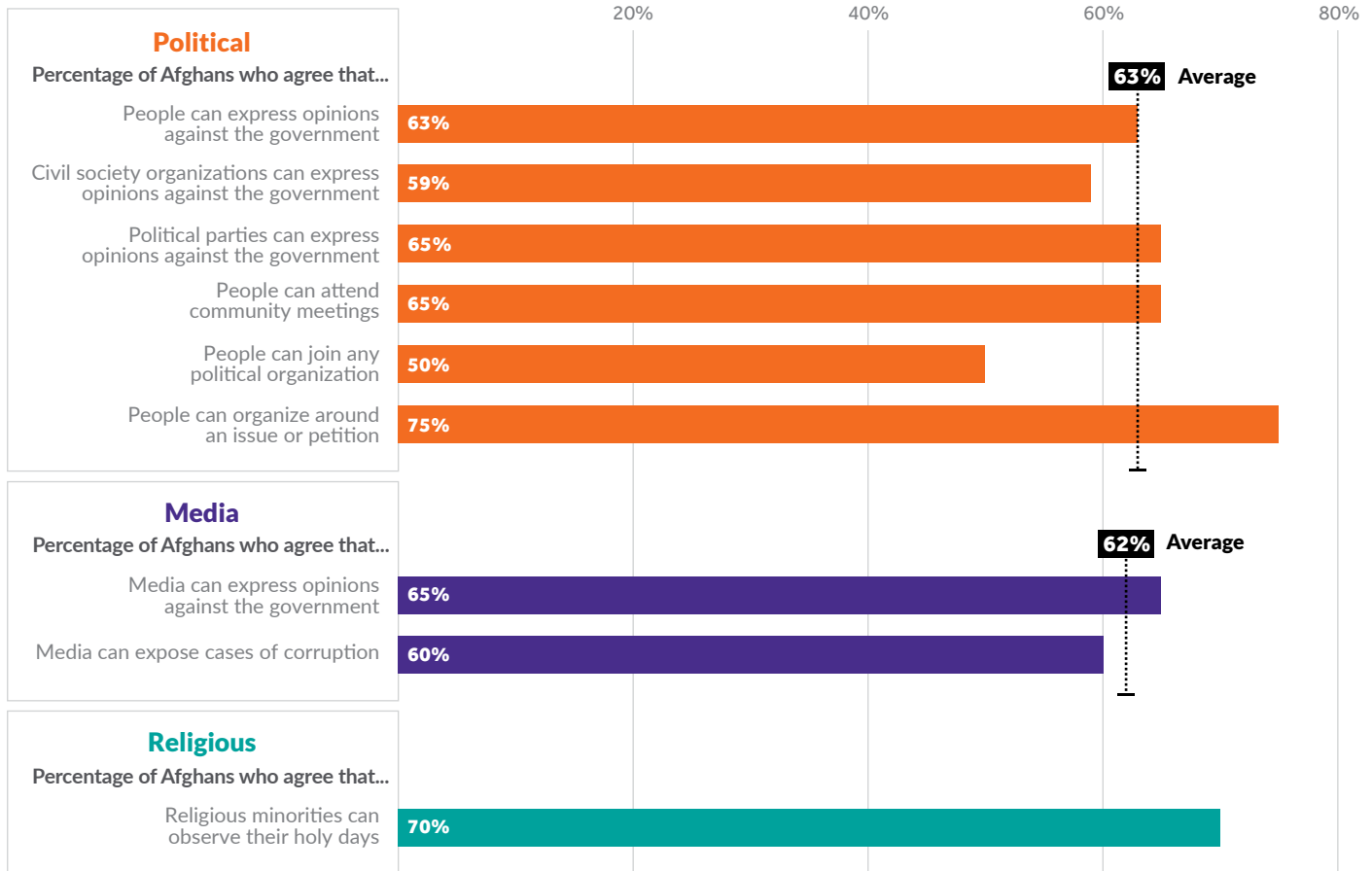
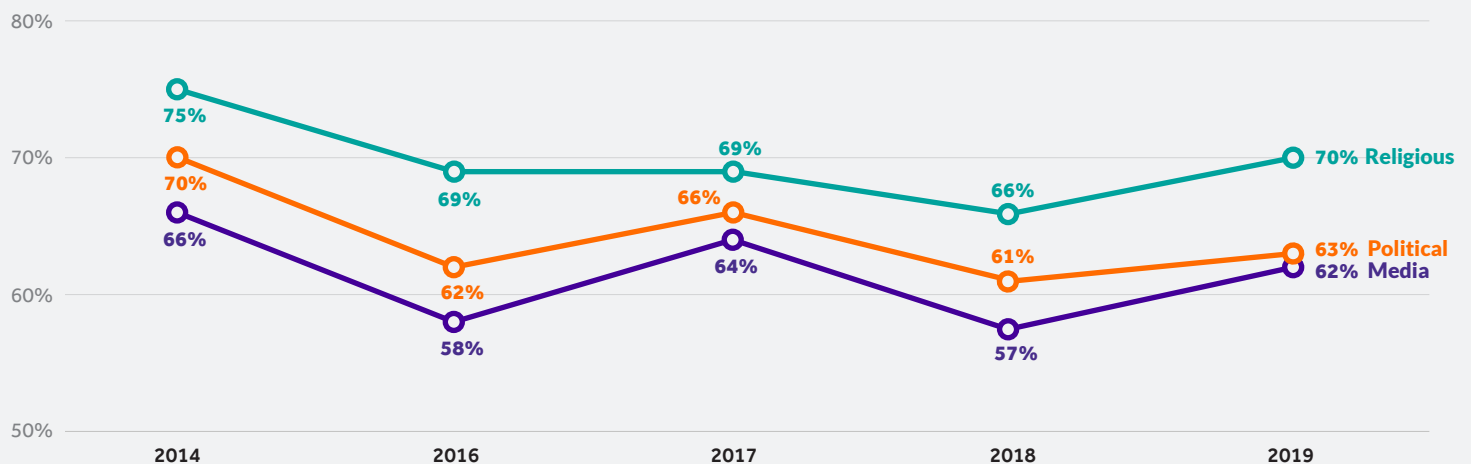


Chart 4b. Fundamental Freedoms in Afghanistan over Time

Average views on political, media, and religious freedoms over time



Source: WJP General Population Poll 2019 (Chart 4a.); WJP General Population Poll 2014, 2016, 2017, 2018 & 2019 (Chart 4b.)

Crime Victimization

Crimes experienced in Afghanistan

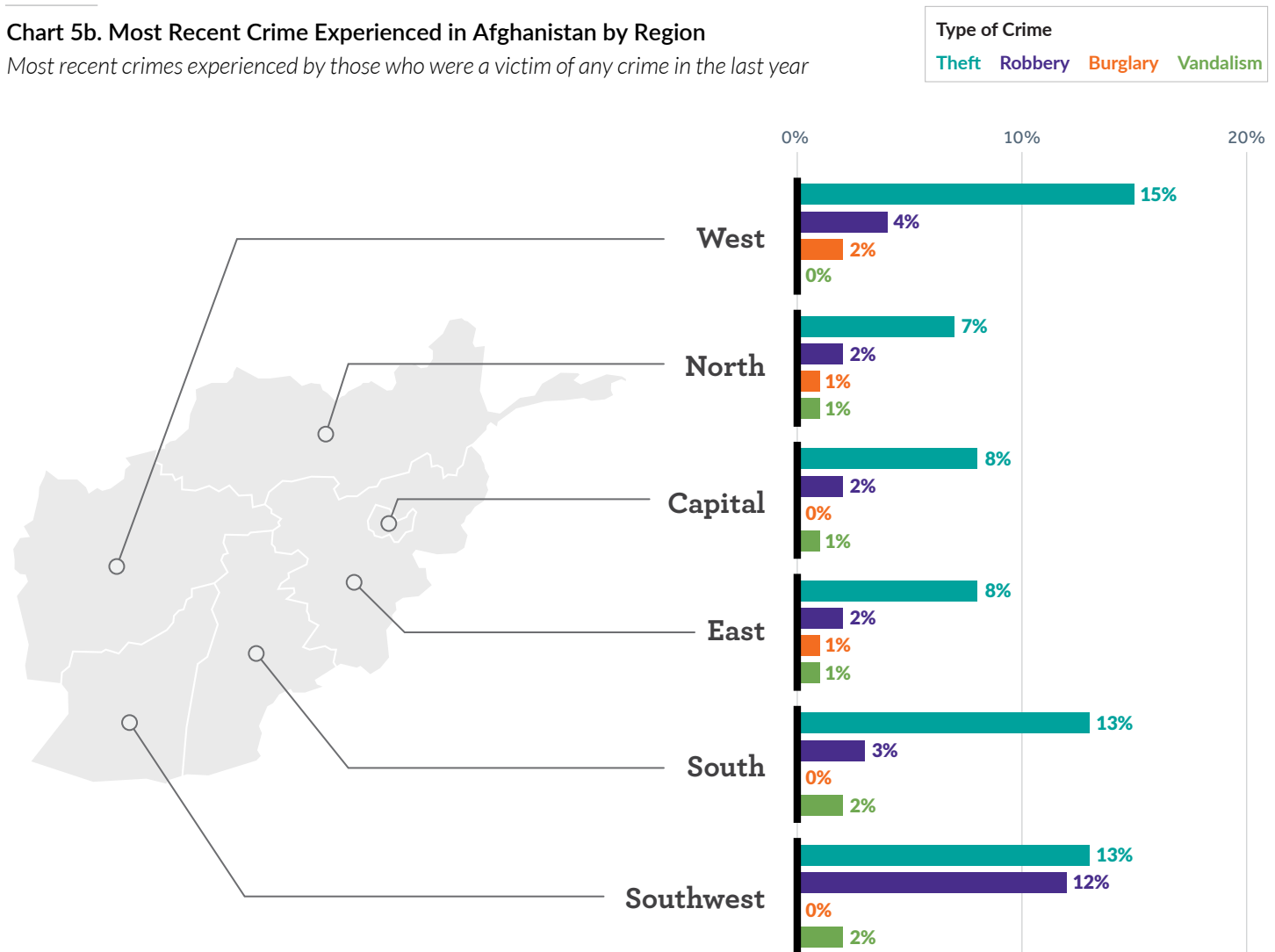
Chart 5a. Crime Victimization in Afghanistan

Overall percentage of respondents that experienced any crime in the last year, and the percentage of those respondents that experienced vandalism, theft, robbery, or burglary



Chart 5b. Most Recent Crime Experienced in Afghanistan by Region

Most recent crimes experienced by those who were a victim of any crime in the last year



Criminal Justice System

Perceptions of the performance of the criminal justice system in Afghanistan

Chart 6a. Perceptions of the Criminal Justice System in Afghanistan

Percentage of respondents who are confident that the criminal justice system...

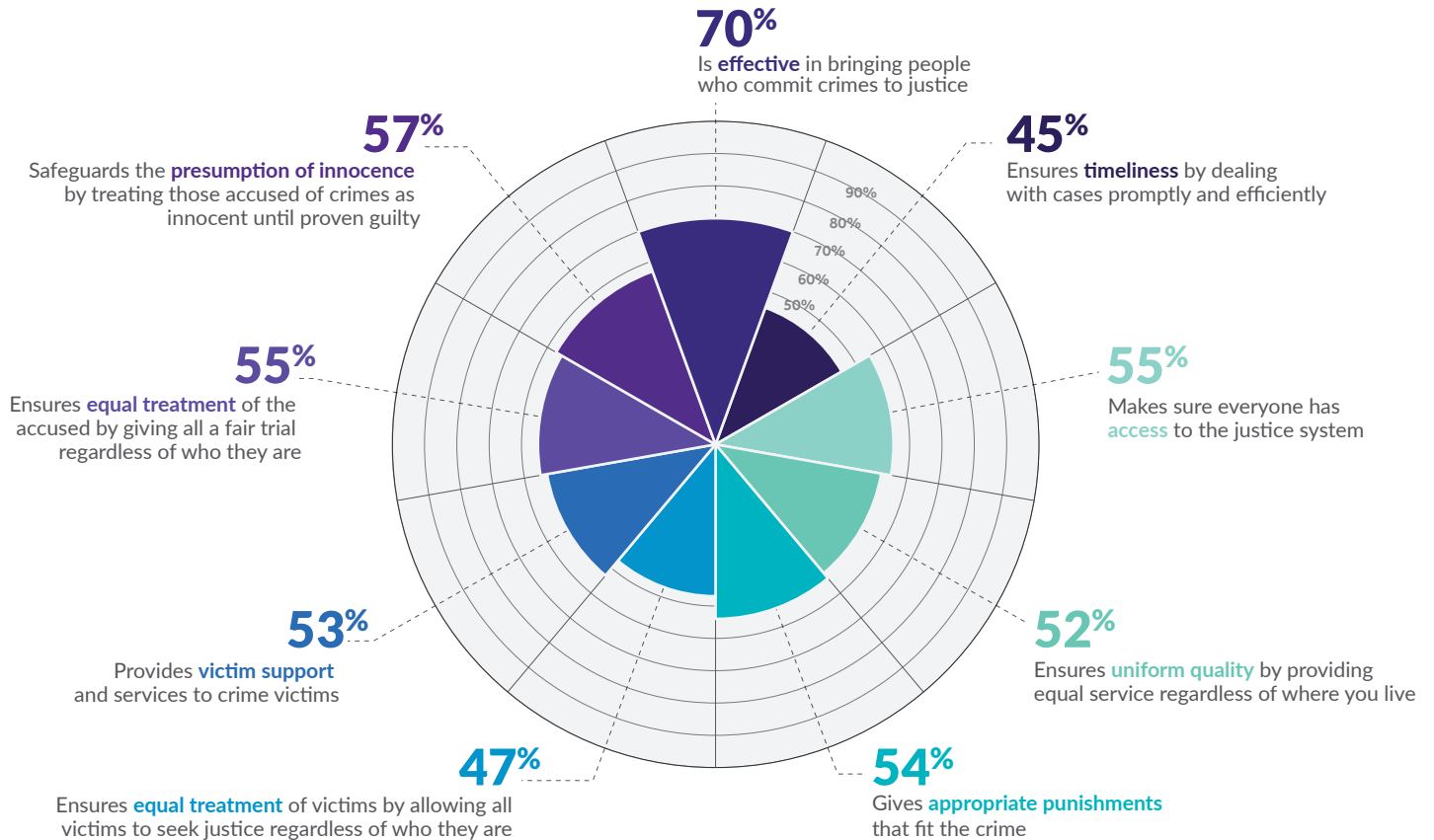
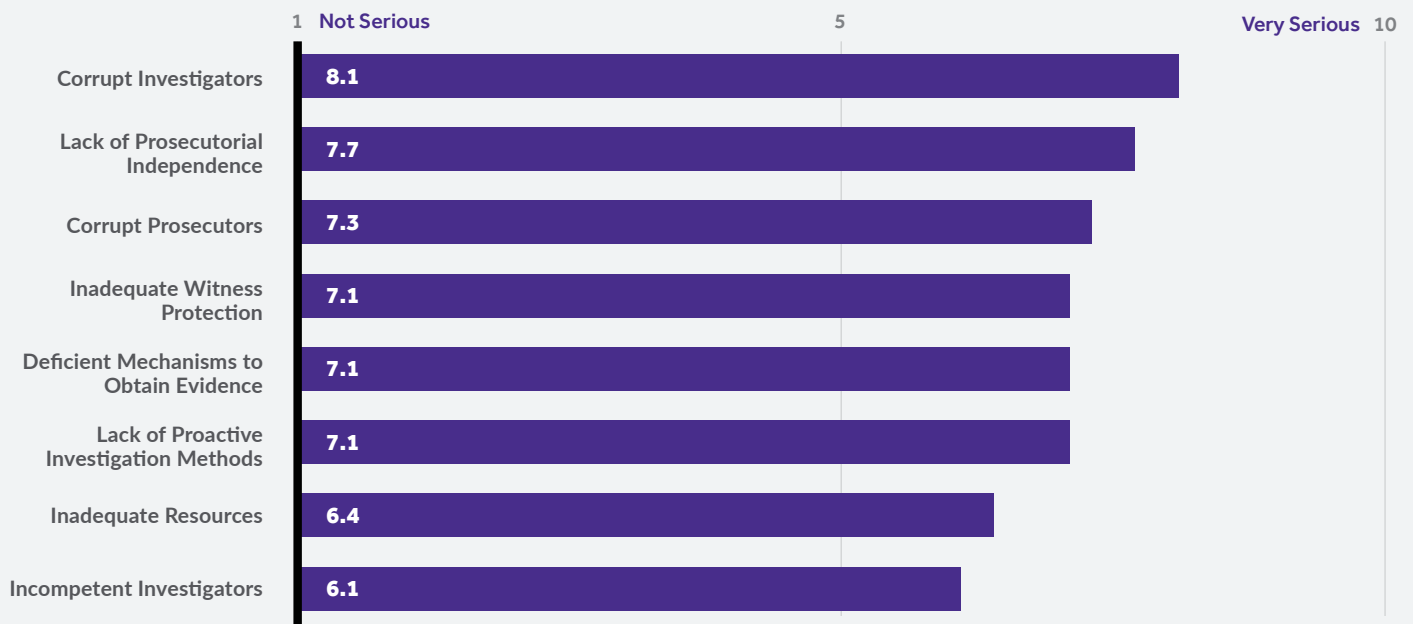


Chart 6b. Problems Impacting the Investigative Services in Afghanistan

Average score for the most serious problems faced by the criminal investigative services, on a scale of 1 to 10



Source: WJP General Population Poll 2019 (Chart 6a.); WJP Qualified Respondents' Questionnaires 2019 (Chart 6b.)

Police

Perceptions of the police in Afghanistan

Chart 7a. Perceptions of Police Performance in Afghanistan

Percentage of respondents who believe that the police fulfill the following functions well or very well...



Chart 7b. Perceptions of Police Corruption in Afghanistan over Time

Percentage of respondents who believe that most or all police officers are involved in corrupt practices

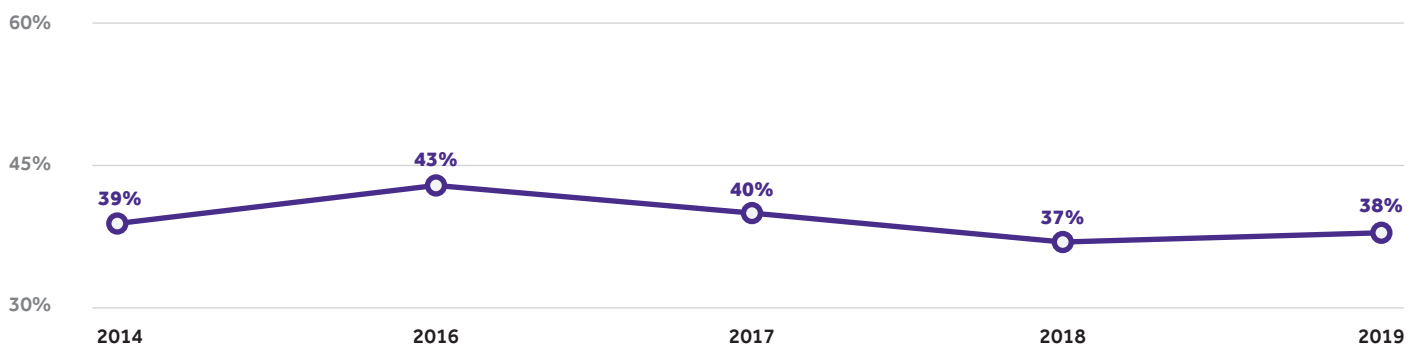
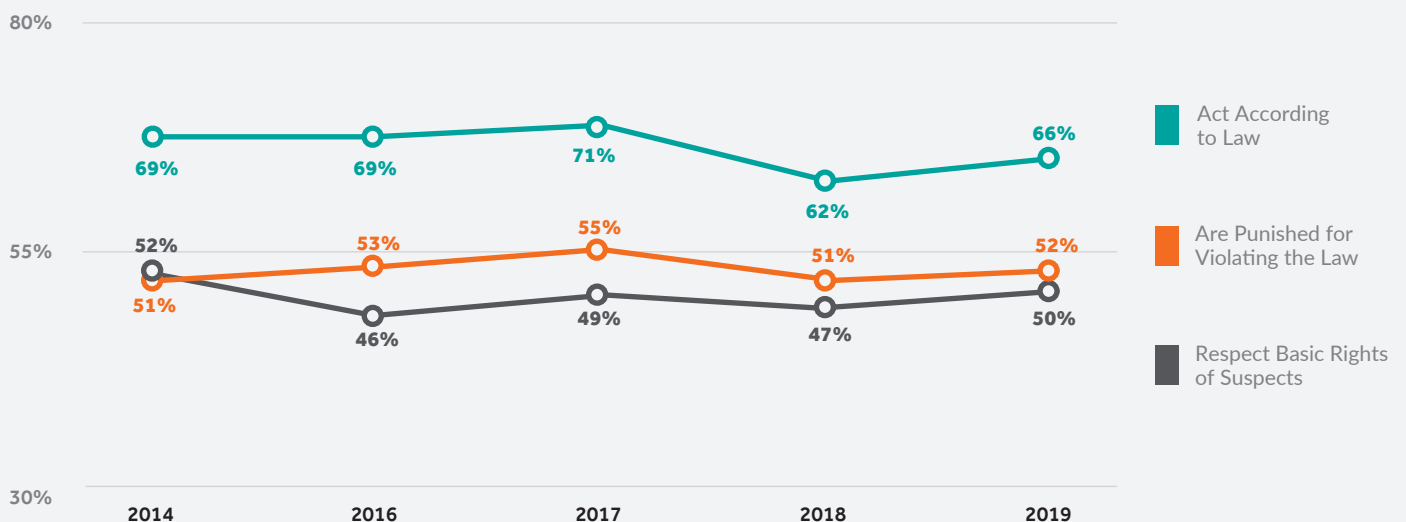


Chart 7c. Perceptions of Police Accountability in Afghanistan over Time

Percentage of respondents who believe that the police always or often...



Criminal Courts

Perceptions of the performance of criminal courts in Afghanistan

Chart 8a. Problems of the Criminal Courts in Afghanistan

Average score for the most serious problems faced by the criminal courts

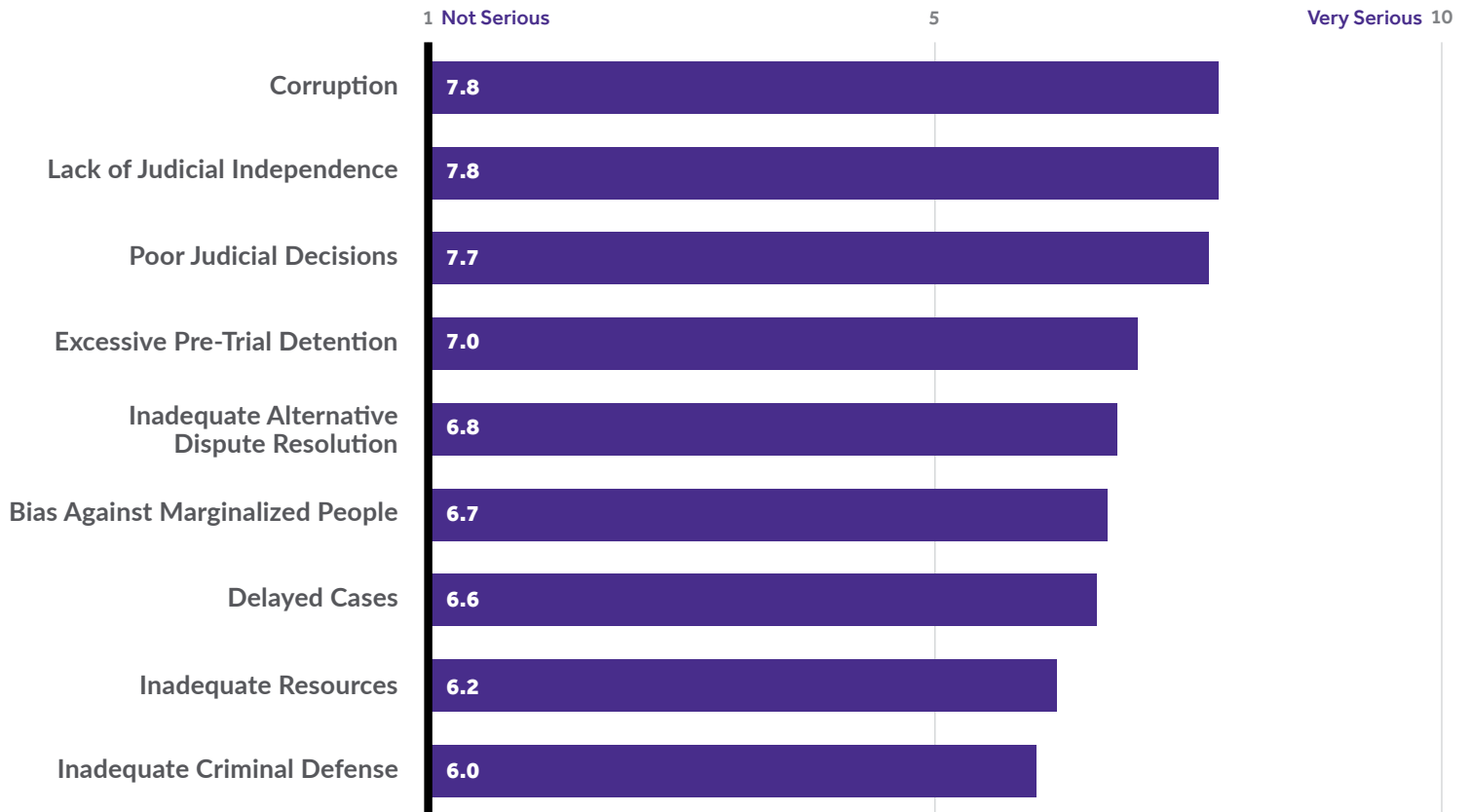
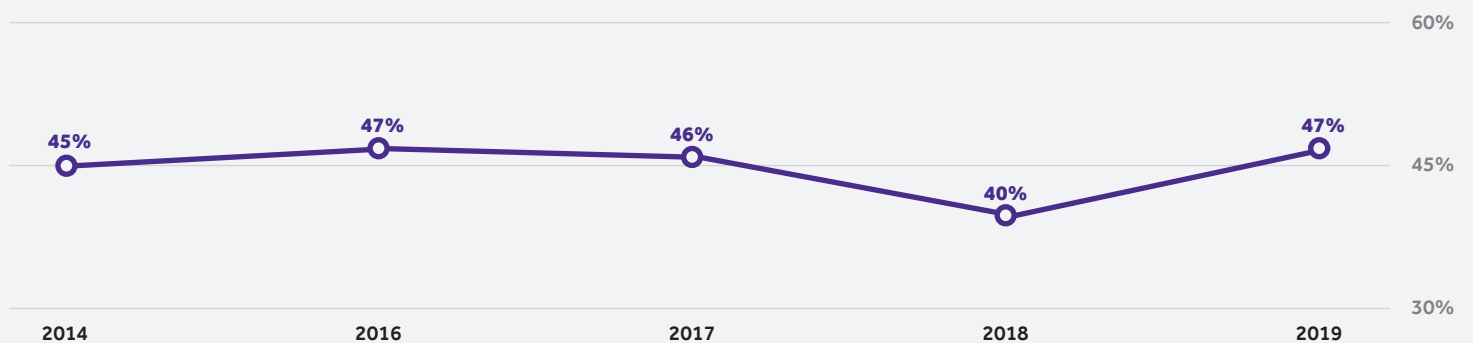


Chart 8b. Perceptions of the Criminal Courts in Afghanistan over Time

Percentage of respondents who believe that the courts always or often guarantee everyone a fair trial



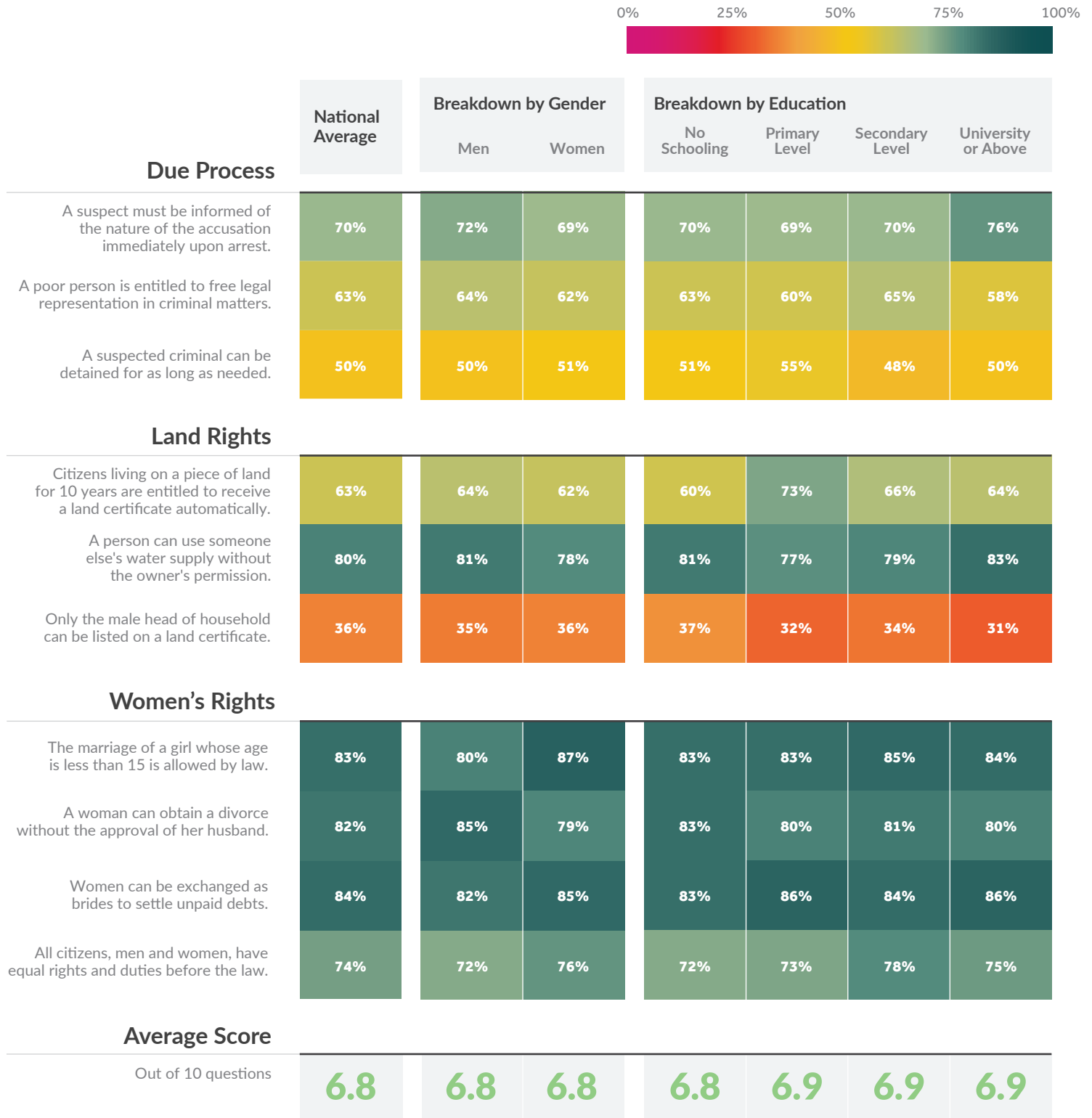
Source: WJP Qualified Respondents' Questionnaires 2019 (Chart 8b.); WJP General Population Poll 2014, 2016, 2017, 2018 & 2019 (Chart 8b.)

Legal Awareness

Knowledge of due process, land rights, and women's rights in Afghanistan

Chart 9. Knowledge of Legal Rights in Afghanistan

Percentage of respondents who correctly answered true or false statements about their legal rights

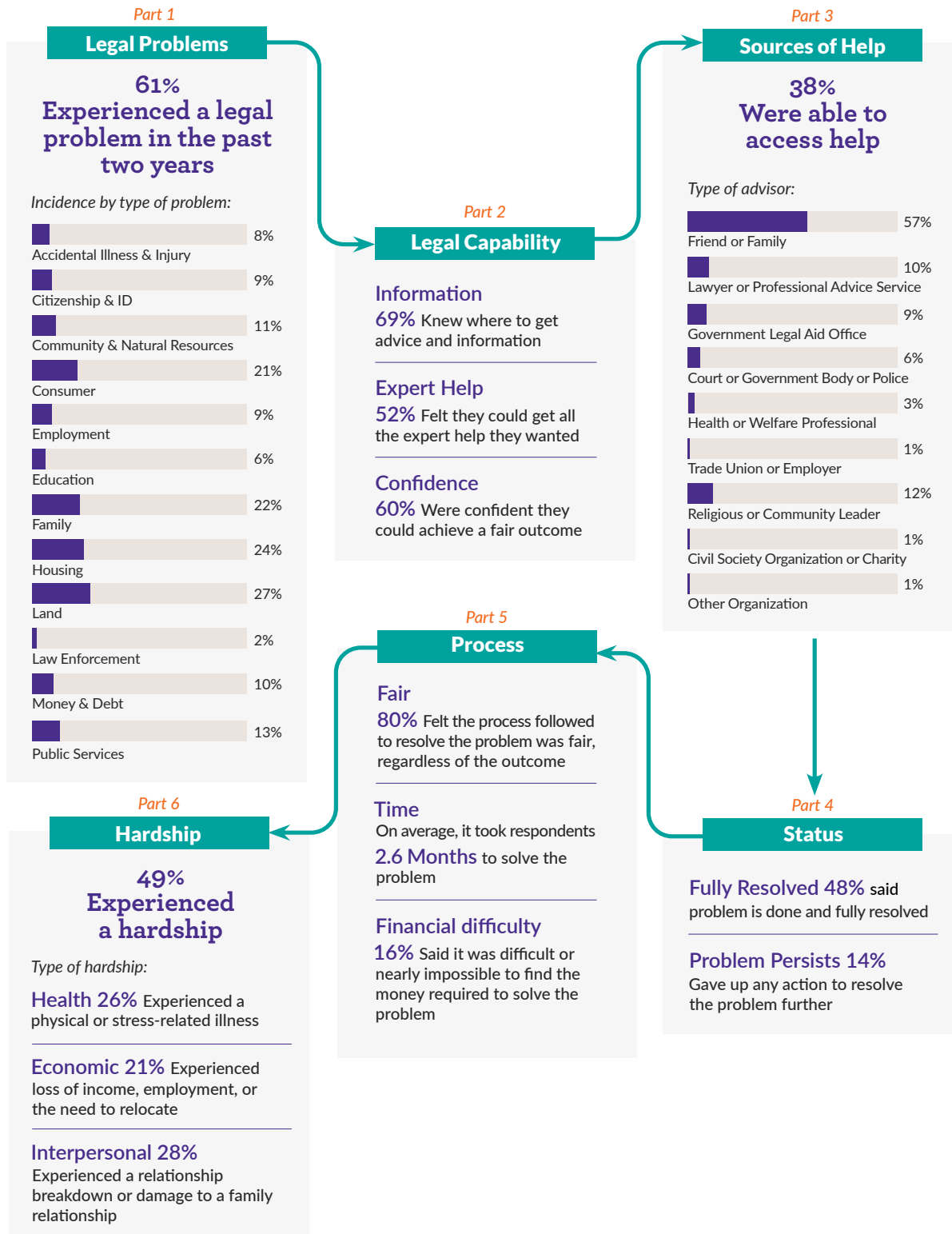


Access to Civil Justice

Paths followed by people in Afghanistan to deal with their everyday justice problems

Chart 10. Civil Justice Journey in Afghanistan

Incidence of legal problems in Afghanistan, respondents' legal capability, access to sources of help, problem status, assessment of the resolution process, and problem impact



Women in Society

Difference in men's and women's views, legal documentation, and literacy in Afghanistan

Chart 11a. Perceptions of Women's Role in Afghan Society by Gender

The percentage of men and women that believe...

Inheritance

A A married daughter is not entitled to her father's estate because she is under the care of her husband

12%

12%

B All children are entitled to a portion of their parent's estate

78%

76%

Divorce

A A woman should be able to divorce without the approval of her husband

11%

15%

B A woman should obtain the approval of her husband for divorce

76%

72%

Key

Values based on percent that agreed with statement A or B

Men

Difference

Women

Difference

Domestic Violence

A A married man has the right to hit his wife if she misbehaves

29%

20% 9%

B A married man does not have the right to hit his wife and should be stopped

52%

12%

64%

Employment

A A woman should be allowed to work outside the home

40%

14%

54%

B A woman should not be allowed to work outside the home

40%

29%

11%

Dispute Resolution

A Women should engage in local dispute resolution

35%

41%

B Women should stay out of local dispute resolution

45%

40%

Chart 11b. Legal Identity and Literacy in Afghanistan by Gender

The percentage of men and women that...

National ID

Have a current, unexpired National ID

96%

79%

17%

Birth Certificate

Have a birth certificate

17%

13%

Literacy

Can read and write

55%

28%

27%

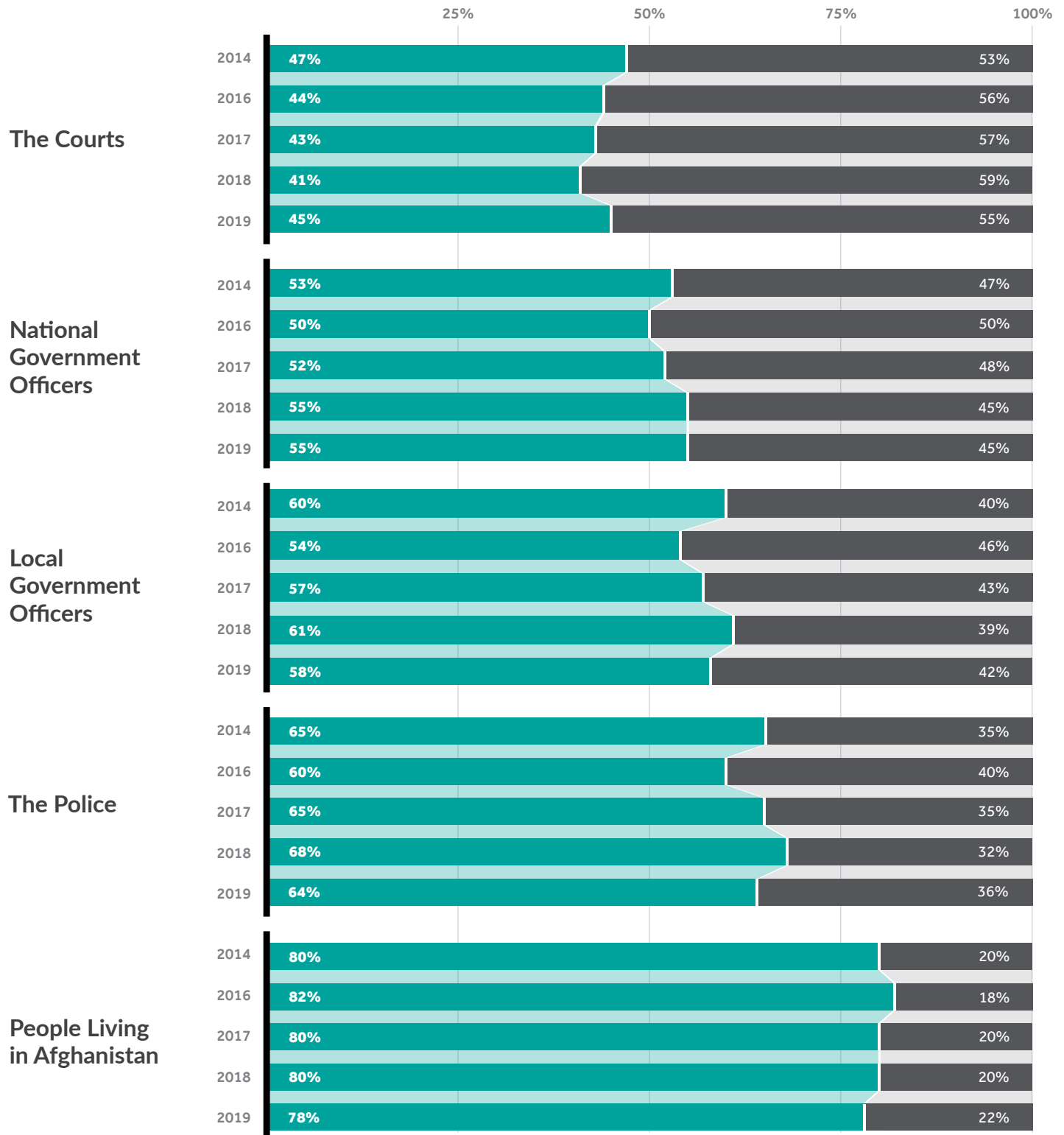
Trust in Institutions

Perceptions of trust in Afghanistan

Chart 12. Perceptions of Trust in Afghanistan over Time

How much trust Afghans have in...

A lot / Some Little / None



section

IV

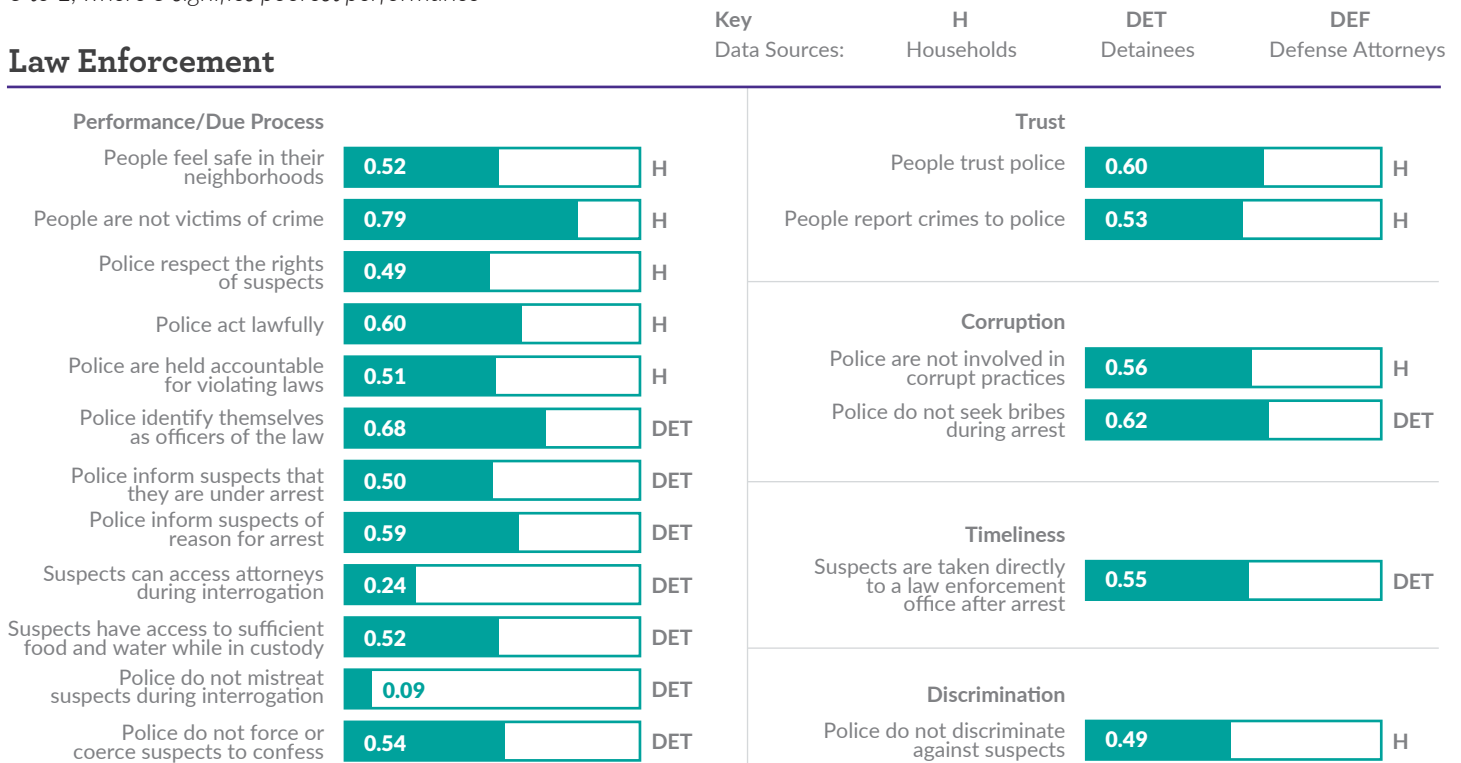
**Afghanistan
Criminal
Justice
System
Performance
Dashboard**

Criminal Justice System Performance Dashboard

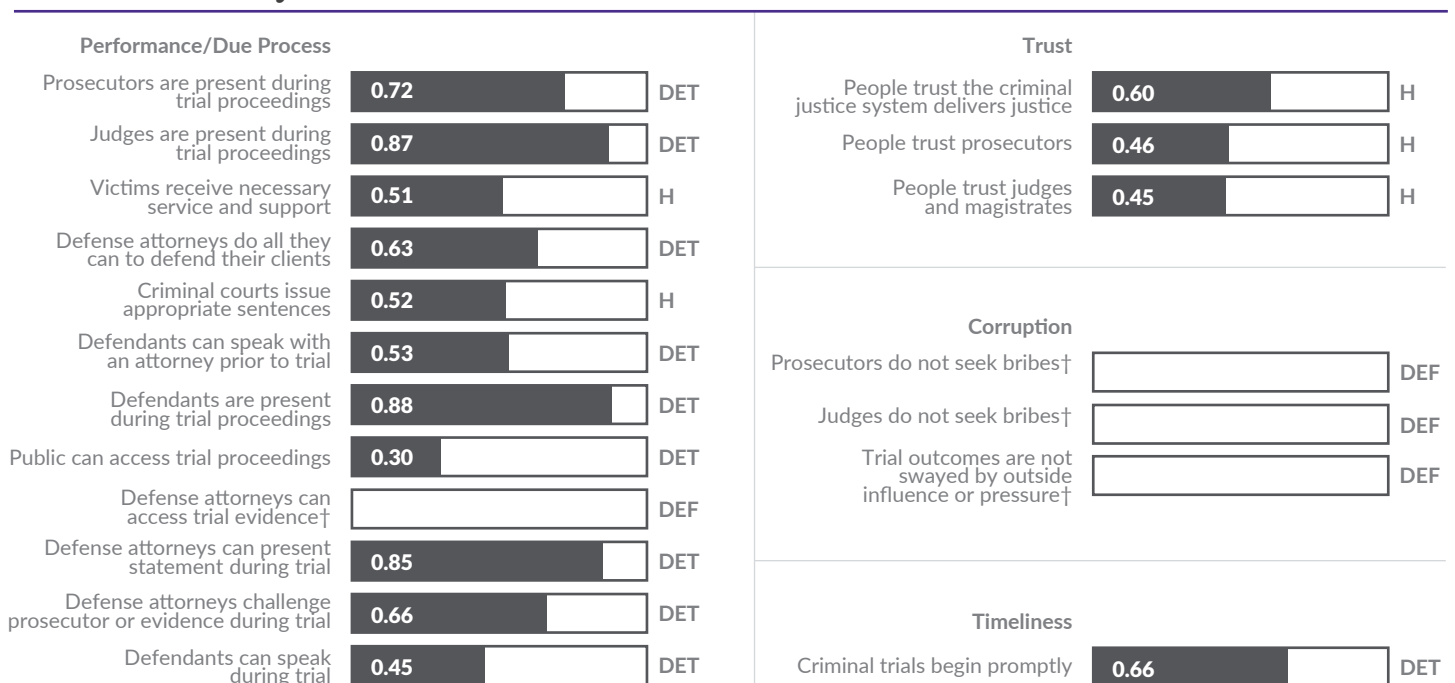
Performance indicators for the formal criminal justice system in Afghanistan

Afghanistan Criminal Justice System Performance Indicator Dashboard

Summary of indicators highlighting the performance of different facets of the formal criminal justice system in Afghanistan, on a scale of 0 to 1, where 0 signifies poorest performance*



Criminal Court System



*For additional information about how these indicators are produced, please see the WJP's Criminal Justice Performance Dashboard Indicator Map linked in the Appendix.

†Due to the lack of representativeness of the sample, data for these experience questions from the WJP Justice Sector Survey 2018 cannot be presented.

Source: WJP General Population Poll 2019 and WJP Afghan Inmates Survey 2019

section



Thematic Findings from Inmates

Inmate Demographics

Summary of arrest information and demographics of Afghan inmate respondents

Chart 13a. Afghan Prison Facilities

Percentage of total inmate interviews conducted in selected prison facilities

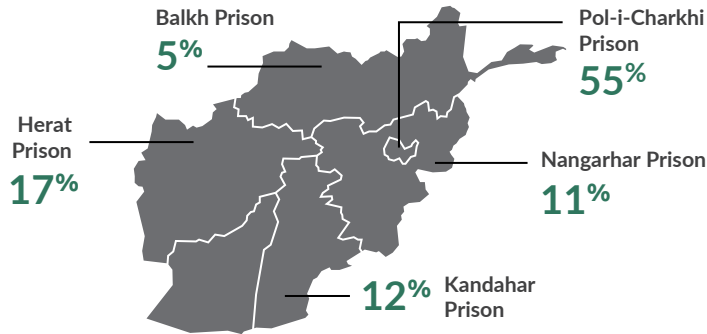


Chart 13b. Location at Time of Arrest*

Percentage of inmates that were arrested in each region of Afghanistan by prison

	North	South	East	West	Southwest	Capital
Pol-i-Charkhi Prison	20%	9%	16%	14%	12%	28%
Nangarhar Prison	2%	2%	94%	0%	0%	3%
Kandahar Prison	2%	95%	0%	0%	3%	0%
Balkh Prison	97%	3%	0%	0%	0%	0%
Herat Prison	1%	0%	0%	97%	2%	0%

Chart 13c. Category of Crimes

Percentage of inmates arrested for various categories of crimes

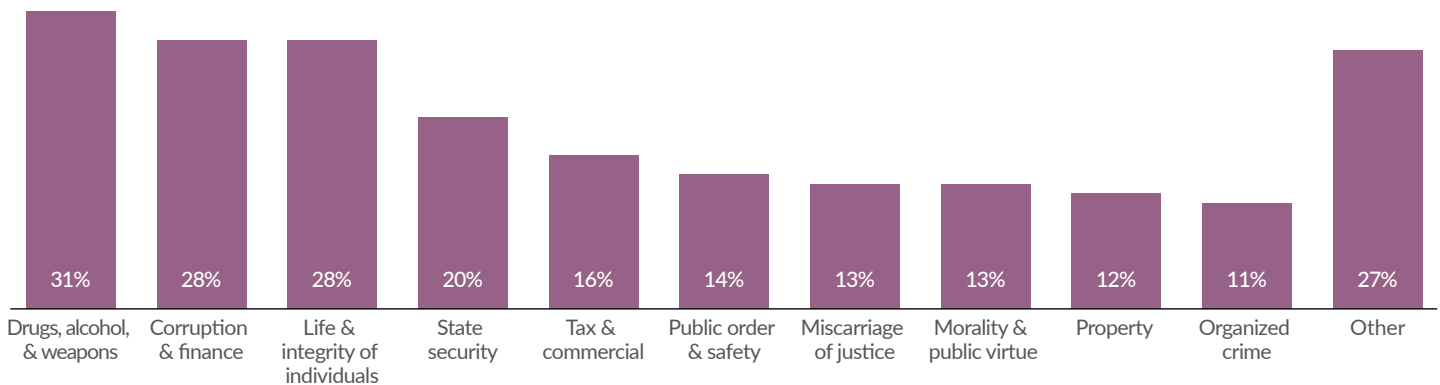


Chart 13d. Inmate Demographics*

Data summarizing year of arrest, status of primary trial, and socio-demographics of inmates

Year of Arrest

42% were arrested in 2017-2019
58% were arrested before 2017

Status of Primary Trial

4% are waiting for trial to begin
16% are in the process of completing trial
80% have completed primary trial

Chronic Health Conditions

21% have a physical health condition
14% have a mental health condition
11% have physical and mental health conditions

Age When Arrested

8% were 50 years old or older
10% were 40-49 years old
19% were 30-39 years old
54% were 18-29 years old
8% were under 18 years old

Highest Level of Education

48% have no formal education
15% have an elementary school diploma
20% have a middle school diploma
13% have a high school diploma
4% have a bachelor's degree or higher

Monthly Income Before Arrest

27% earned 5,000 Afghanis or less
23% earned 5,001-8,000 Afghanis
20% earned 8,001-10,000 Afghanis
18% earned 10,001-15,000 Afghanis
12% earned 15,001 Afghanis or more

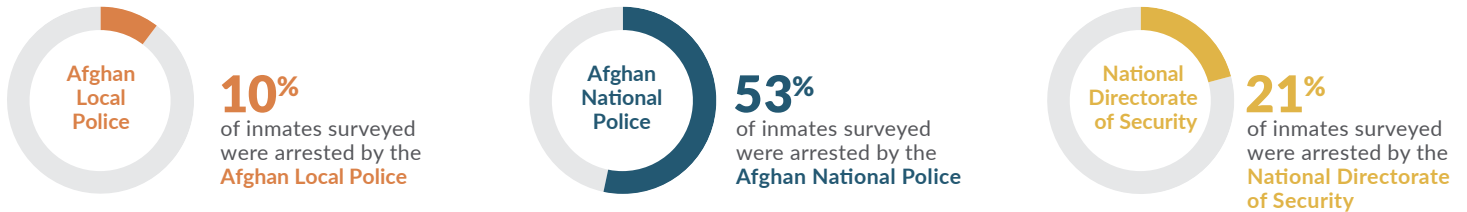
*Percentages may not equal 100% due to rounding.
Source: WJP Afghan Inmates Survey 2019

Arrest Process

Inmates' experiences during the arrest process in Afghanistan

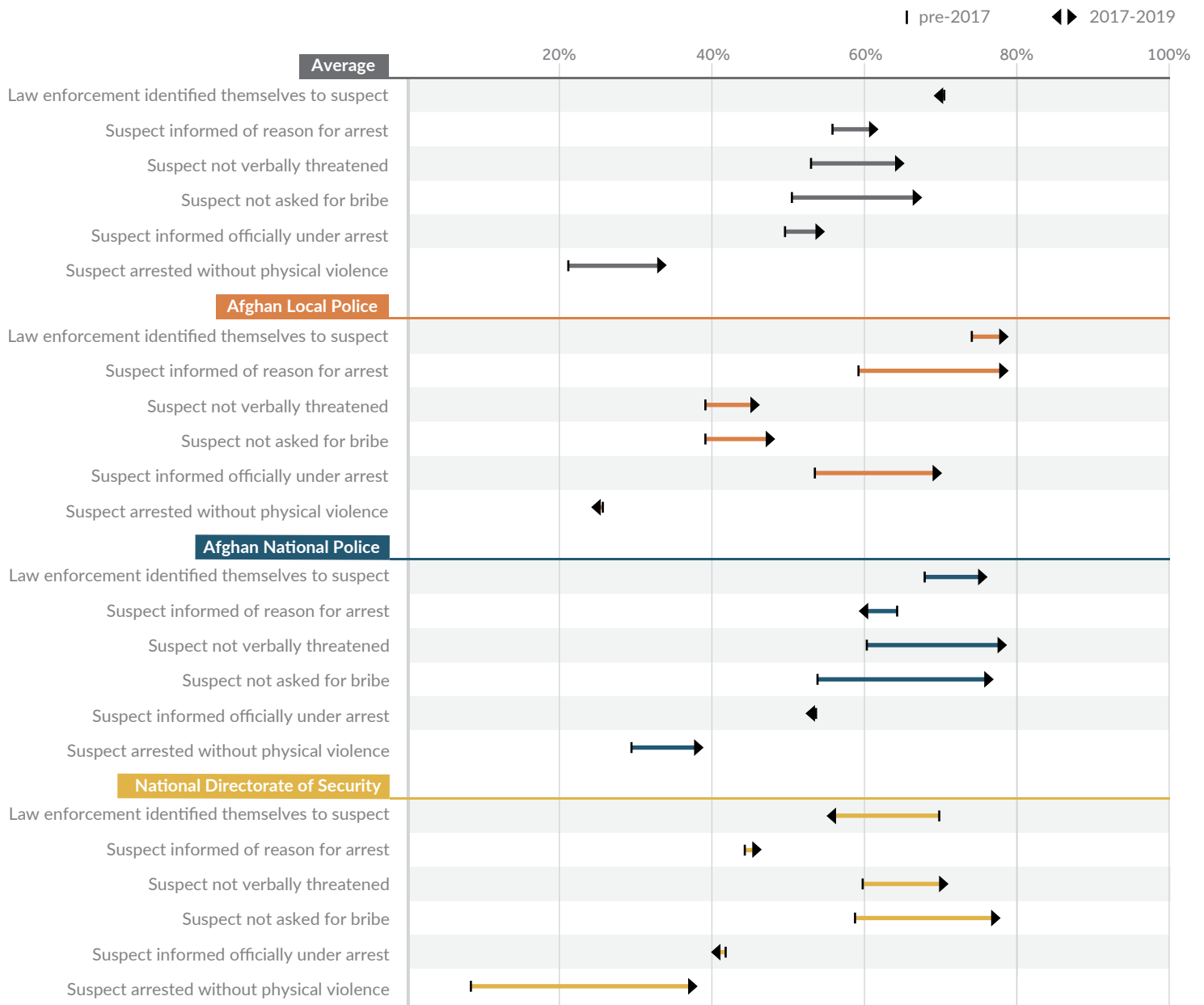
Chat 14a. Arrests by Law Enforcement Authorities in Afghanistan

Percentage of inmates arrested by select law enforcement authorities



Chat 14b. Due Process During Arrest in Afghanistan over Time

Percentage of inmates who reported various arrest procedures occurred by overall average and arresting authority



Mistreatment After Arrest

Transfer and mistreatment of suspects after arrest in Afghanistan

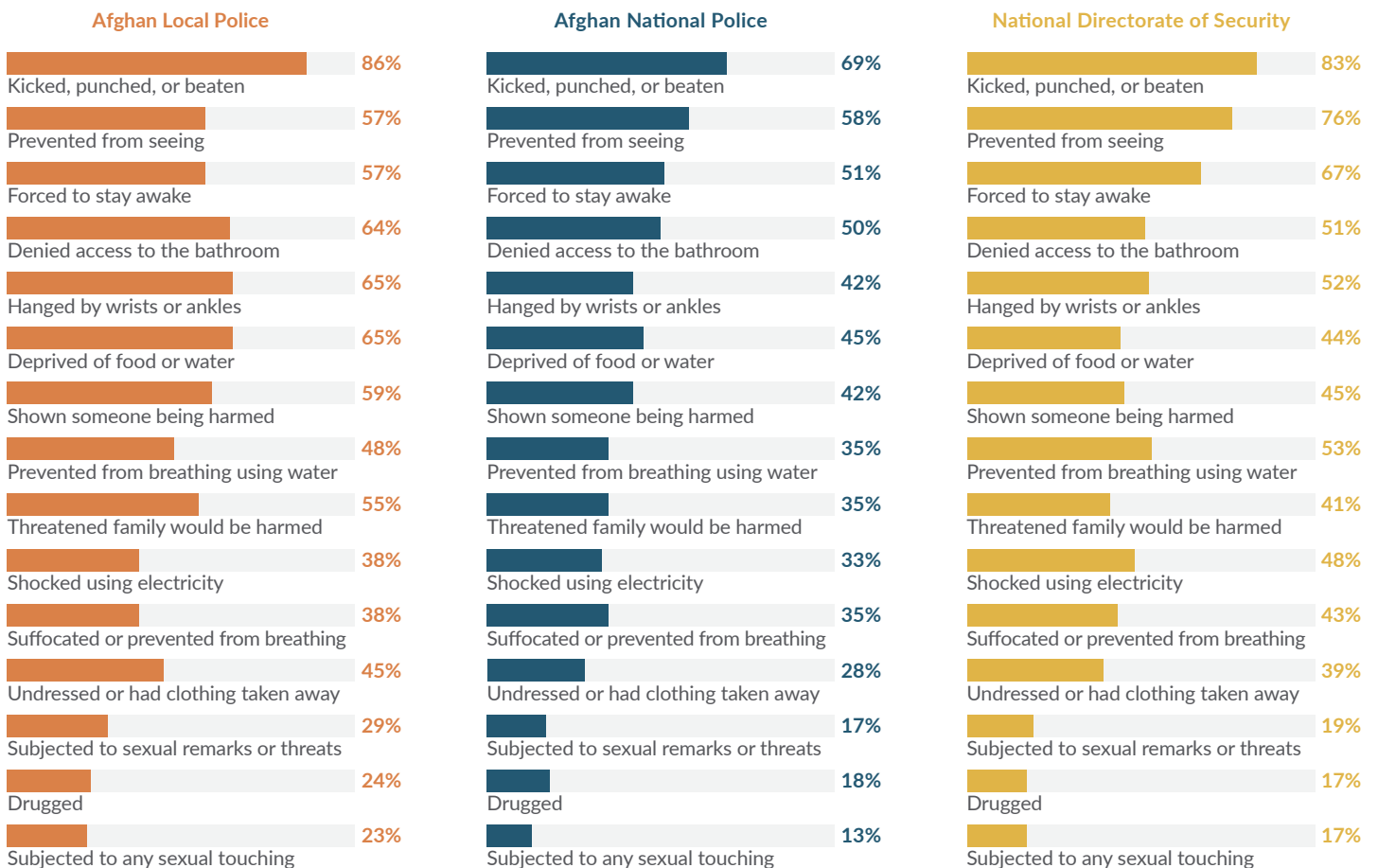
Chat 15a. Transfer and Mistreatment of Suspects After Arrest in Afghanistan over Time*

Percentage of inmates taken to an unofficial location after arrest that reported being mistreated by arresting authority



Chat 15b. Types of Mistreatment Experienced After Arrest in Afghanistan by Authority

Of the inmates that reported being taken to an unofficial location, the percentage that experienced types of mistreatment by authority



*The response options "verbally threatened," "isolated for extended period of time," and "other" were excluded when calculating mistreatment percentages.

Source: WJP Afghan Inmates Survey 2019

Post-Arrest Process

Inmates' experiences at official law enforcement facilities after arrest in Afghanistan

Chart 16a. Transfer of Suspects After Arrest in Afghanistan

Percentage of inmates taken to select law enforcement facilities following arrest

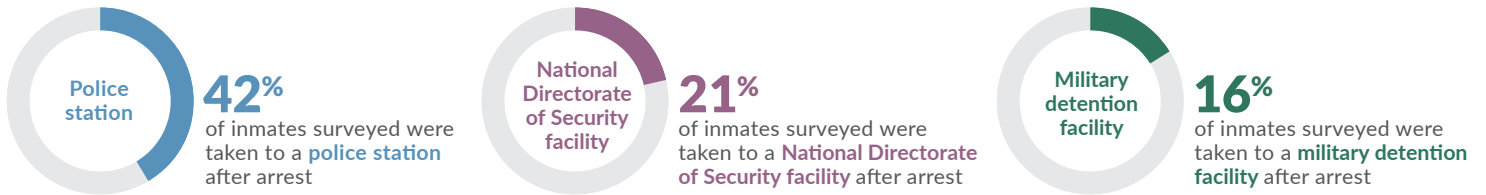


Chart 16b. Due Process Following Arrest in Afghanistan over Time

Percentage of inmates who reported various procedures occurred at official law enforcement facilities by overall average and location



Source: WJP Afghan Inmates Survey 2019

Mistreatment During Interrogation

Interrogation and reported mistreatment of suspects during interrogation in Afghanistan

Chart 17a. Interrogation and Mistreatment of Suspects at Law Enforcement Facilities in Afghanistan over Time*

Percentage of inmates interrogated at a law enforcement office that reported being mistreated by location

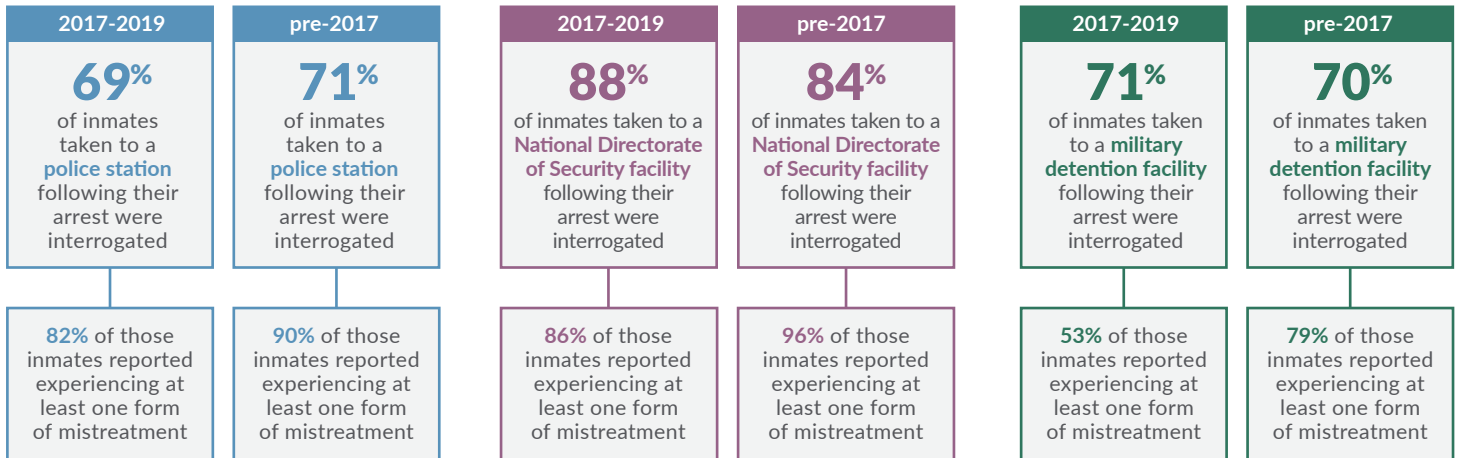
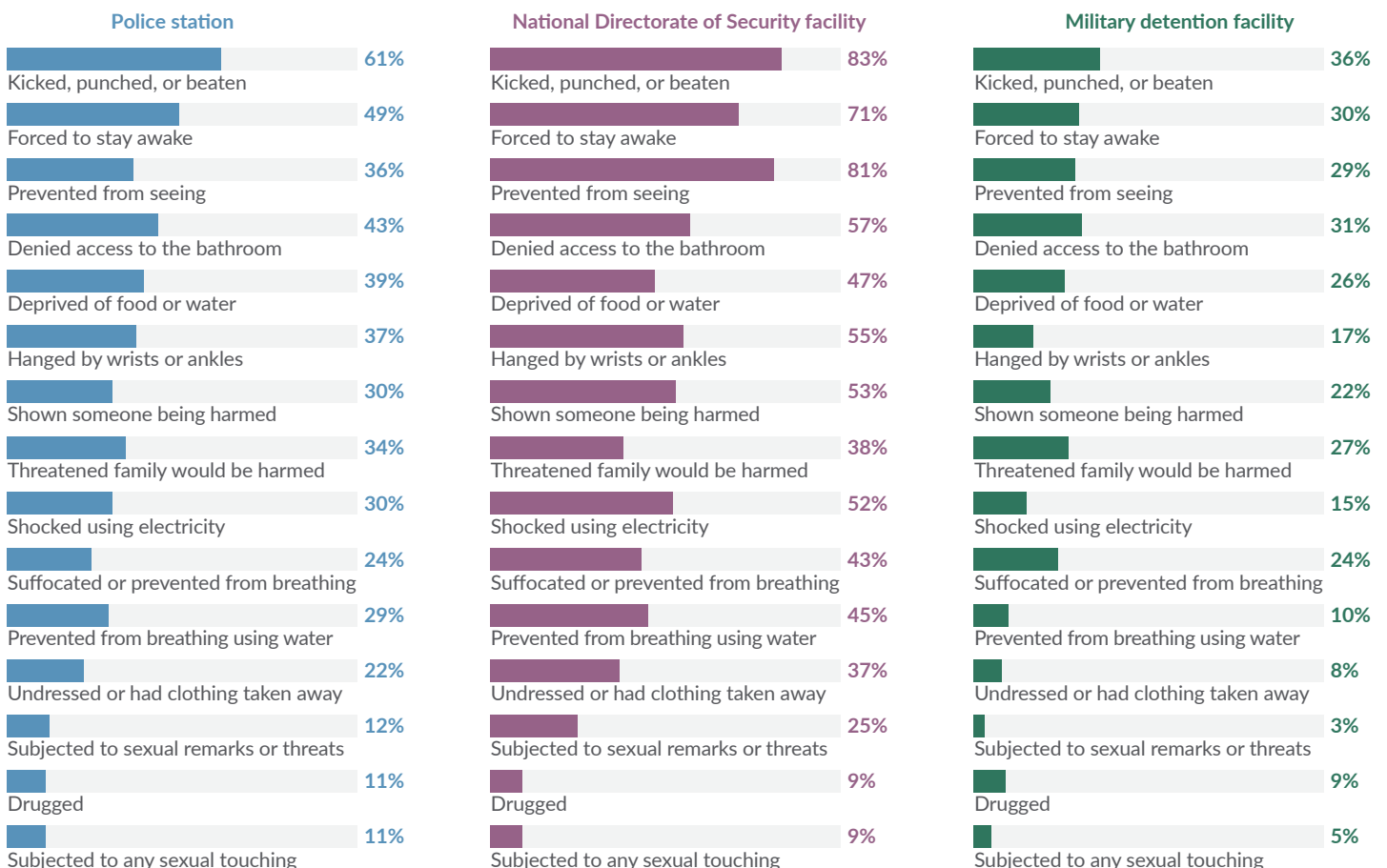


Chart 17b. Types of Mistreatment Experienced During Interrogation in Afghanistan by Location

Of the inmates that reported being interrogated at a law enforcement office, the percentage that experienced various types of mistreatment by location



*The response options "verbally threatened," "isolated for extended period of time," and "other" were excluded when calculating mistreatment percentages.
Source: WJP Afghan Inmates Survey 2019

Trial Process

Inmates' experiences during their primary and appellate trials in Afghanistan

Chart 18a. Notification of Trial Date in Afghanistan over Time

Percentage of inmates notified of their trial date at least five days in advance

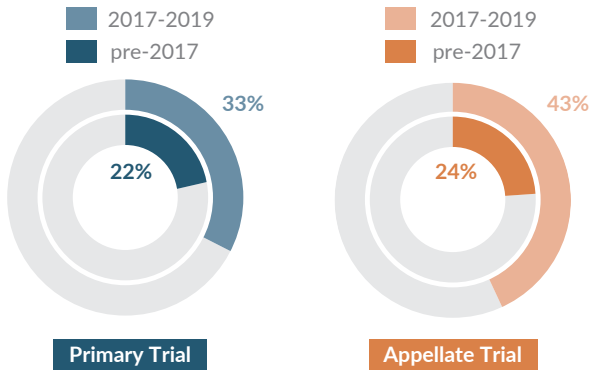


Chart 18b. Presence of Accused at Trial in Afghanistan over Time

Percentage of inmates that were present every day of trial proceedings

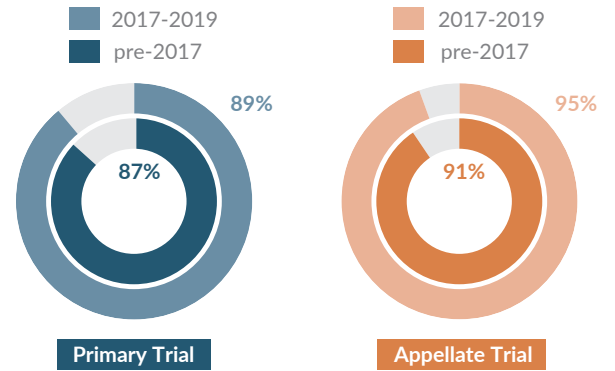
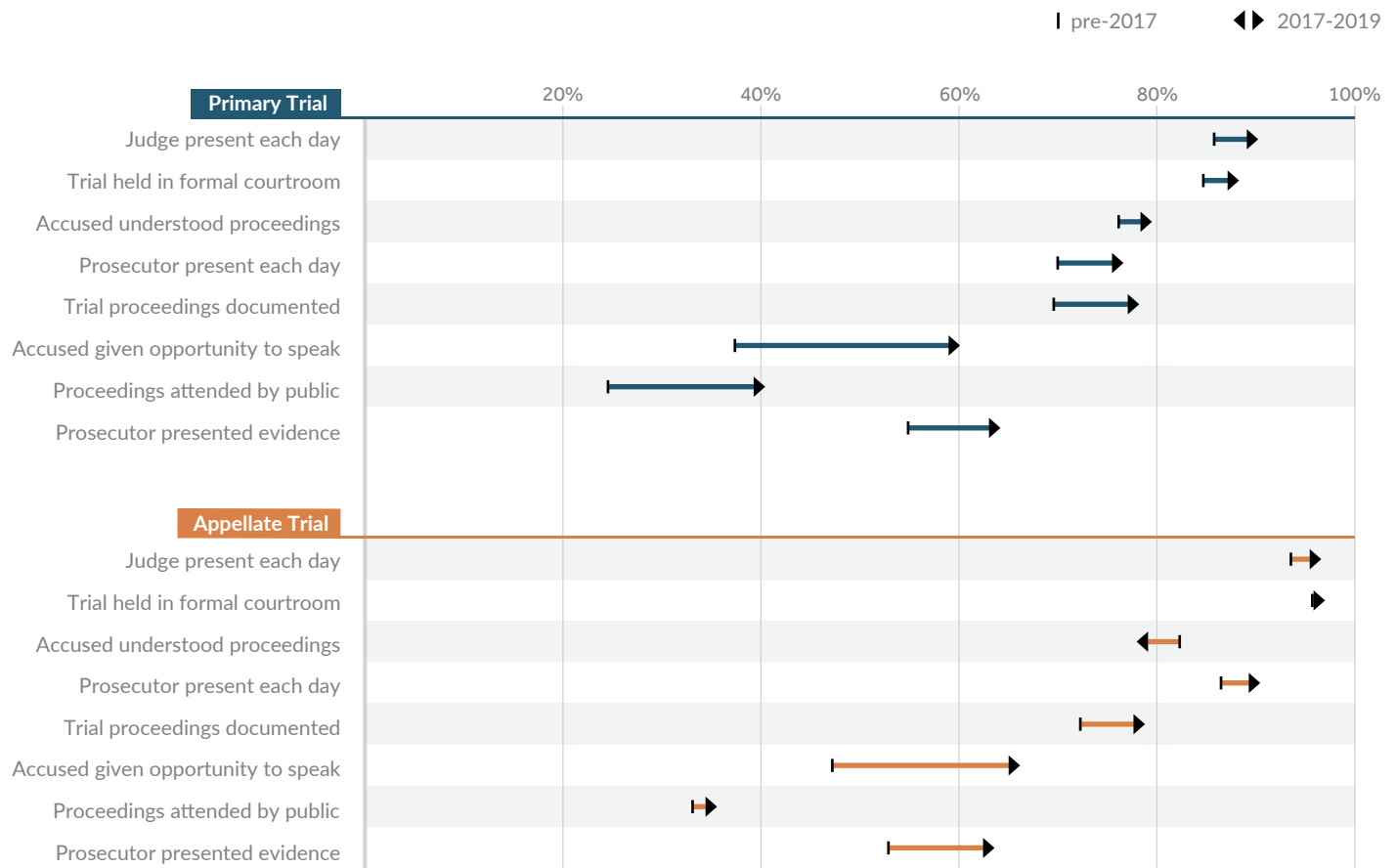


Chart 18c. Due Process During Primary and Appellate Trials in Afghanistan over Time

Of the inmates that completed their primary or appellate trial and were present every day, the percentage who reported various procedures occurred



Legal Representation

Inmates' experiences with defense attorneys during interrogation and trial in Afghanistan

Chart 19a. Legal Representation in Afghanistan over Time

Percentage of inmates with a defense attorney present during interrogation and primary trial, and the percentage of those attorneys provided by the government

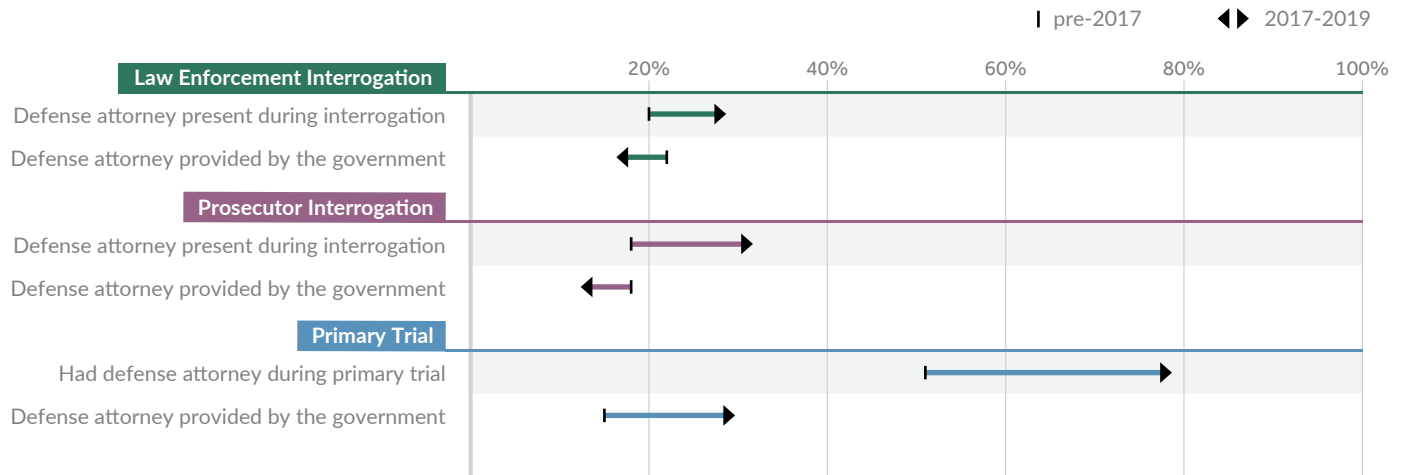


Chart 19b. Experiences with Legal Representation During Primary Trial in Afghanistan over Time

Of the inmates that had a defense attorney during their primary trial, the percentage that reported various experiences with that attorney

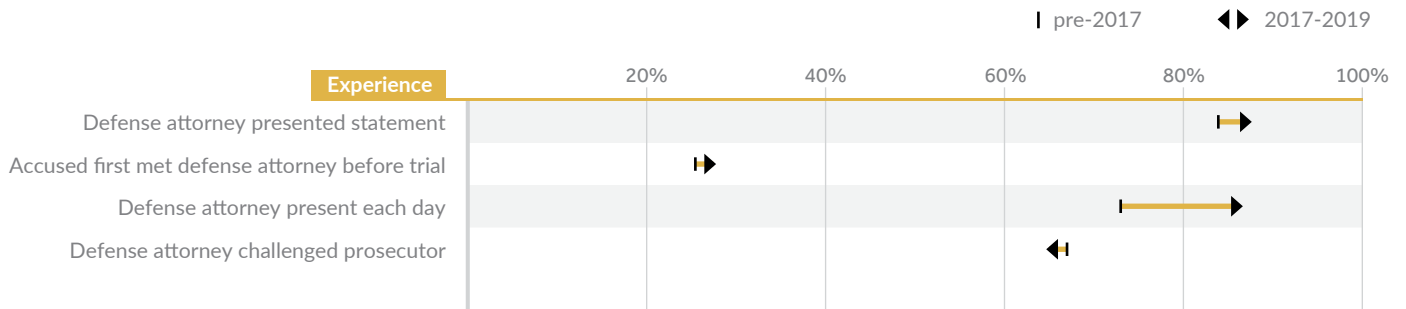
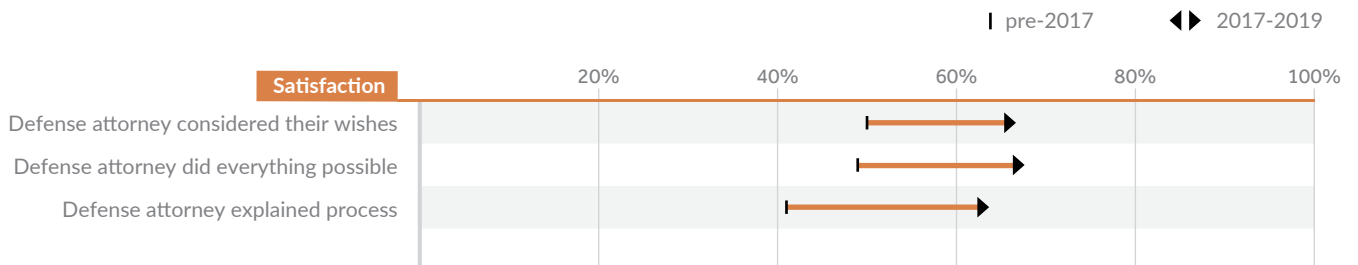


Chart 19c. Satisfaction with Legal Representation During Primary Trial in Afghanistan over Time

Of the inmates that had a defense attorney during their primary trial, the percentage that strongly agreed or agreed that their...



section

VI

Project Design

Methodology: General Population Poll and Qualified Respondents' Questionnaires

To present an image that accurately portrays the rule of law as experienced by ordinary people, data in the “Findings from the General Public and Expert Practitioners” section of this report are drawn from two original data sources collected by the *World Justice Project Rule of Law Index*®: an extended General Population Poll (GPP), and a series of Qualified Respondents' Questionnaires (QRQs). These two data sources collect up-to-date firsthand information that is not available at the global level, and constitute the world's most comprehensive dataset of its kind. They capture the experiences and perceptions of ordinary citizens and in-country professionals concerning the performance of the state and its agents, and the actual operation of the legal framework in their country.

Extended General Population Poll Methodology

The General Population Poll (GPP) in Afghanistan was conducted for the *World Justice Project Rule of Law Index* with sampling, fieldwork, and data processing by D3 Systems and ACSOR Surveys based in McLean, Virginia and Kabul, Afghanistan respectively. D3 Systems and ACSOR Surveys administered the fieldwork from September 17th to September 25th, 2019, conducting face-to-face interviews using a multi-stage random cluster sampling design. The two target population groups for this survey included Afghans aged 18 years or older residing across all 34 provinces of the country.

Sample Size & Sample Frame

The General Population Poll (GPP) included an achieved total sample size of 3,019 interviews distributed proportionally across all 34 provinces of Afghanistan. D3 Systems and ACSOR Surveys based the sampling frame on the 2019-2020 updated population figures from the National Statistics and Information Authority (NSIA), acquiring a proportionally stratified sample by Province and Urban/Rural Status. For analysis purposes, the GPP data shown in this report are weighted using design weights calculated by D3/ACSOR. These sampling weights denote the inverse probability of being selected based on the sampling design.

In an attempt to address all relevant topics while controlling the questionnaire length, the World Justice Project (WJP) split the survey into two versions (Version A and Version B) and administered certain modules in only one of the two versions. These modules included: government accountability, fundamental freedoms, the criminal justice system, and interactions with the police. The sample size for these modules consisted of more than 1,500 individuals, as opposed to the questions administered to the entire sample of 3,019 respondents. Aside from these modules, the questionnaires are identical. The complete survey instrument can be found in the Appendix of this report.

Sampling

Districts were the primary sampling unit and were sampled using probability proportional to size systematic sampling. In urban strata, neighborhoods (nahias) and towns were the secondary sampling units and were sampled using a systematic simple random sample. In rural strata, villages were the secondary sampling units and were also sampled using a systematic simple random sample. Within the sampled nahia or village, survey administrators performed a systematic random route to sample households and used a Kish grid to sample respondents.

ACSOR Surveys determined accessibility at the district level prior to fieldwork and randomly replaced completely inaccessible districts with accessible districts within the same strata. ACSOR Surveys also replaced female inaccessible districts with female accessible districts with the same level of urbanity and within the same province. Out of 310 sampling points, ACSOR Surveys identified 41 completely inaccessible villages due to Taliban control.

Descriptions of the Sample

REGION Interviews were conducted in the six regions of Afghanistan, with more interviews conducted in the East region (36%), the North region (27%), and the West region (12%).

GEOGRAPHY 85% of respondents reside in rural areas, villages, and towns. 16% of respondents reside in metro areas or cities.*

ETHNICITY Most respondents identified themselves as Tajik (30%), Pashtun (24%), or Afghan (21%).

GENDER 50% of respondents were male and 50% were female.

EDUCATION Most respondents (59%) reported that they had received no formal education.

INCOME Most respondents reported a monthly household income of 6,001 to 8,000 Afghani or 8,001 to 9,000 Afghani (22% respectively), while 20% reported a monthly household income of 9,001 to 10,000 Afghani.

*Percentages may not equal 100% due to rounding.

Sample Weights

The WJP applied approximate sampling weights to the final sample to account for rounding in the sampling and deletions due to quality control.

Interviewing & Quality Control

In total, 289 interviewers worked on this project including 146 female interviewers. Each of the 34 provinces of Afghanistan had its own supervisory staff centrally trained in Kabul for this project. Interviews were conducted in Pashto, Dari, Uzbeki, and Balochi.

The supervisory team back-checked 16% of interviews in field. During data processing, 15% of questionnaires were selected for double-entry. After quality control, there were 81 questionnaires rejected from the final sample. Survey administrators attempted up to three contacts per respondent and completed 98% of completed interviews during the first contact attempt. Interviews averaged 39 minutes in length and ranged from 20 to 57 minutes.

Qualified Respondents' Questionnaires Methodology

The Qualified Respondents' Questionnaires (QRQs) were conducted for the *World Justice Project Rule of Law Index* by the World Justice Project's research team, based in Washington, DC. The surveys were administered online from June 2019 through early November 2019. The QRQ surveys are conducted annually, and the questionnaires are completed by in-country professionals selected from directories of law firms, universities and colleges, research organizations, and non-governmental organizations (NGOs), as well as through referrals from the WJP global network of practitioners. All QRQ participants are selected and vetted by WJP staff, based on their expertise.

These questionnaires encompass four areas of practice, including civil and commercial law, criminal justice, labor law, and public health. They gather timely input on a range of topics from practitioners who frequently interact with state institutions. Such topics include information on the efficacy of courts, the strength of regulatory enforcement, and the reliability of accountability mechanisms. The questionnaires contain closed-ended perception questions and several hypothetical scenarios with highly detailed factual assumptions, aimed at ensuring comparability across countries.

The expert surveys are administered in five languages: English, French, Portuguese, Russian, and Spanish. The QRQ data for the WJP Rule of Law Index 2020 report includes more than 4,000 surveys, with a total of 24 expert practitioners contributing to the QRQ for Afghanistan.

Additional Countries

This report includes comparisons to the following South Asian countries surveyed by the World Justice Project: Bangladesh, India, Nepal, Pakistan, and Sri Lanka. These five countries are a portion of the 128 countries and jurisdictions included in the *World Justice Project Rule of Law Index 2020* report. The household surveys are administered every two to three years using a probability sample of 1,000 respondents in the three largest cities or nationally representative in most countries.

Detailed information regarding the methodology of the *WJP Rule of Law Index* is available at: www.worldjusticeproject.org.

Methodology: Afghan Inmates Survey

The Afghan Inmates Survey was conducted for the *Rule of Law in Afghanistan: Key Findings 2019* report with sampling, fieldwork, and data processing by D3 Systems and ACSOR Surveys based in McLean, Virginia and Kabul, Afghanistan respectively. D3 Systems and ACSOR Surveys administered the fieldwork from December 16th, 2019 to January 8th, 2020 via modified face-to-face interviews. The target population group for this survey was males aged 18 years or older incarcerated in minimum security prisons in Afghanistan.

Sample Size & Sample Frame

The Afghan Inmates Survey included an achieved total sample size of 557 across five prison facilities in Afghanistan: Pol-i-Charkhi (306 interviews), Balkh (30 interviews), Herat (93 interviews), Kandahar (63 interviews), and Nangarhar (65 interviews). For each selected prison, the total number of interviews conducted represents 3% of the total estimated male inmate population. D3 Systems and ACSOR Surveys based the sampling frame on a complete list of inmate identification numbers for all incarcerated men in each prison facility.

Sampling

A stratified sample was used to ensure representativeness. Minimum security prisons were selected according to the size of the inmate population. The final sample for this study included five prison facilities (Pol-i-Charkhi, Balkh, Herat, Kandahar, and Nangarhar) in Afghanistan, which housed an estimated total of 17,863 male inmates at the time of fieldwork. Interviews were distributed proportionally across the selected prisons, with 55% of interviews occurring in Pol-i-Charkhi, 5% in Balkh, 17% in Herat, 11% in Kandahar, and 12% in Nangarhar. This distribution represents roughly 3% of the inmate population of each prison facility.

Within each prison, inmates were sampled using the simple random sample method. The final sample frame consisted of a current list of inmate identification numbers for the selected prisons, which was provided to ACSOR Surveys in advance of fieldwork for this study. Once the roster of inmate identification numbers was received, sampling was conducted using the simple random sample method. Given the vulnerability of the population being sampled and the high security environment, prison guards and officials maintained final say as to whether the randomly selected prisoners would be brought to the interview location inside each prison. Selection bias was minimized, however, as respondent frames were adhered to in each prison during fieldwork.

With the exception of inmates interviewed at Pol-i-Charkhi, the majority of sampled inmates had been arrested in the same province in which the prison facility was located. In Pol-i-Charkhi, the arrest location for sampled inmates covered all regions of Afghanistan, while the inmate samples for Balkh, Herat, Kandahar, and Nangarhar had a larger bias toward people arrested in the same region as the prison facility.

Descriptions of the Sample

LOCATION Interviews were conducted in five minimum security prisons in Afghanistan: Pol-i-Charkhi prison (city of Kabul, Kabul Province), Balkh prison (city of Mazar-i-Sharif, Balkh Province), Herat prison (city of Herat, Herat Province), Kandahar prison (city of Kandahar, Kandahar Province), and Nangarhar prison (city of Jalalabad, Bihsud District, Nangarhar Province).

GENDER 100% of respondents were male.

EDUCATION 48% of respondents reported that they had no formal education, 15% had an elementary school diploma, 20% had a middle school diploma, 13% had a high school diploma, and 4% had a Bachelor's degree or higher.

COMPARISON OVER TIME For analysis purposes, the sample of respondents was split into two year groupings to facilitate comparisons over time: inmates arrested between 2017 and 2019 (42%), and inmates arrested before 2017 (58%).

Interviewing & Quality Control

Due to the vulnerable population being sampled, interviews were conducted using a modified face-to-face approach. D3 Systems designed a Computer Assisted Personal Interviewing (CAPI) platform with audio narration that allowed the questionnaire to be confidentially self-administered by inmates after initial setup by enumerators. A total of 16 interviewers worked on this project, with four interviewers at Pol-i-Charkhi, three interviewers at Balkh, three interviewers at Herat, three interviewers at Kandahar, and three interviewers at Nangarhar. One supervisor from ACSOR Surveys accompanied field teams at each facility during data collection. All interviewers and supervisors were male. All of the interviews were conducted in Pashto or Dari, and averaged 39 minutes with a range from eight to 93 minutes.

Back-checking was not utilized for this study due to restrictions on accessing inmates in each prison. In lieu of this, 100% of interviews were overseen on-site by a supervisor from ACSOR Surveys. Interview duration and high non-response were reviewed to assess interview quality and accuracy. The average non-response per question was 0.9% (minimum 0%, maximum 9.6%) with a standard deviation of 1.2%. During fieldwork, a total of four inmates declined to participate in the study, and a total of 16 were eliminated due to failure to consent at the outset of the survey.

Challenges & Future Considerations

The inmate population in Afghanistan is extremely difficult to reach. Fieldwork for this study required permission and coordination from the General Directorate of Prisons and Detention Centers in Afghanistan, and would not have been feasible without this approval. Access restrictions at each selected prison facility limited the size of field teams, the days of the week that interviews could be conducted, the length of time interviewers were allowed to remain inside the facilities each day, and the total number of days that each prison could be accessed. These restrictions substantially limited the number of interviews that could be completed. While the target number of completed interviews at each prison facility was successfully met for this pilot, longer fieldwork periods would need to be arranged for any future iterations of this study.

Surveys were self-administered using tablets and pre-recorded audio prompts to maintain the confidentiality of responses, and to prevent prison personnel, other inmates, or interviewers from overhearing individual responses. While this approach increased confidentiality and assuaged some interviewer-bias among literate and illiterate respondents alike, new issues arose as a result of the varying technological capabilities of respondents. This created great variance in interview durations and set-up times, which further affected the number of interviews that were able to be completed per day. A more extensive preliminary interview session between interviewers and respondents would help mitigate this challenge in future studies of this population when employing electronic tablets.

Lastly, the high-security environment of this study posed unique logistical challenges for interviewers. Sampling was done in advance using a roster of inmate identification numbers, but interview teams relied on prison staff to identify the selected individuals and transport them to the interview location in each prison. Visitor rooms were selected as the interview location because they offered larger spaces and could accommodate prison staff, interviewers, and multiple inmates simultaneously. These rooms, however, were often located far from the areas that held inmates, so the process of identifying and transporting inmates to be interviewed was extremely time-consuming in the larger prison facilities, such as Pol-i-Charkhi. This logistical challenge limited the number of interviews that could be completed each day. To help minimize this logistical challenge in future studies, alternative interview locations should be explored in larger facilities or in facilities where the only secure common areas are located a great distance from where inmates are housed.

section

VII

Appendix

Appendix

Methodological Materials

GENERAL POPULATION POLL (GPP)

The General Population Poll was designed to capture high-quality data on the realities and concerns 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.

[World Justice Project General Population Poll 2019 – Afghanistan Survey Instrument \(Versions A & B\)](#)

[World Justice Project General Population Poll 2019 – Frequency Tables for Afghanistan](#)

QUALIFIED RESPONDENTS' QUESTIONNAIRES (QRQS)

The Qualified Respondents' Questionnaires measure the experience and perceptions of in-country professionals concerning the performance of the state and its agents and the actual operation of the legal framework in their country. Administered annually, the QRQs gather timely input on a range of topics, including information on the efficacy of courts, the strengths of regulatory enforcement, and the reliability of accountability mechanisms.

[World Justice Project Qualified Respondents' Questionnaires 2019 – Survey Instruments](#)

AFGHAN INMATES SURVEY QUESTIONNAIRE

The Afghan Inmates Survey measures the experience of inmates incarcerated in Afghanistan and covers themes related to their arrest, the criminal investigation process, mistreatment they may have experienced, their criminal trial, and types of legal representation they may have had.

[World Justice Project Afghan Inmates Survey – Survey Instrument](#)

VARIABLES USED TO CONSTRUCT THE WJP RULE OF LAW INDEX®

This table lists the question-level variables from the General Population Poll and the Qualified Respondents' Questionnaires used to construct the factors of the *WJP Rule of Law Index*.

[World Justice Project Rule of Law Index Variable Map](#)

VARIABLES USED TO CONSTRUCT THE WJP CRIMINAL JUSTICE DASHBOARD

This table lists the question-level variables from the General Population Poll, Afghan Defense Attorney Survey, and Afghan Inmates Survey used to construct the World Justice Project's Afghan Criminal Justice Performance Dashboard.

[World Justice Project Criminal Justice System Performance Dashboard Variable Map](#)



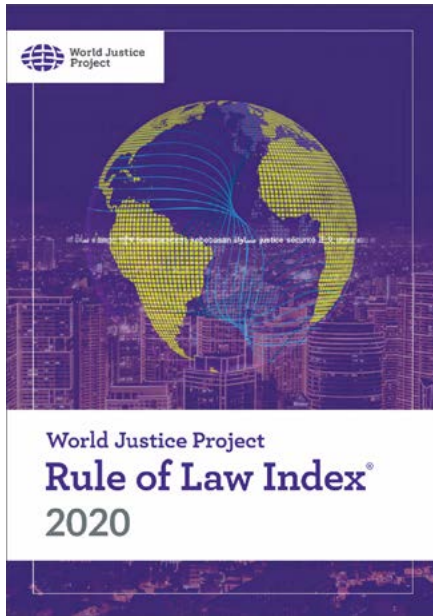
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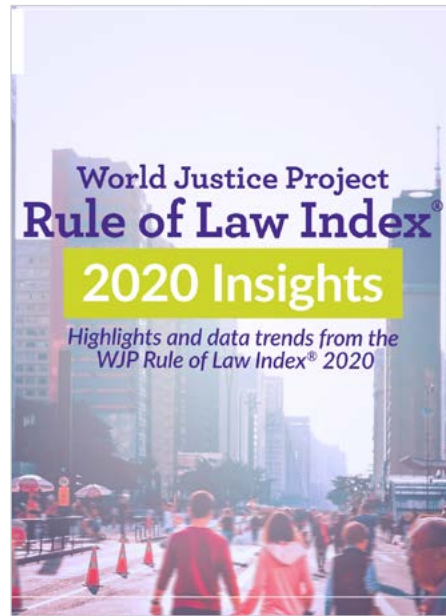
THE WORLD JUSTICE PROJECT® (WJP) is an independent, multidisciplinary organization working to advance the rule of law worldwide. Effective rule of law reduces corruption, combats poverty and disease, and protects people from injustices large and small. It is the foundation for communities of justice, opportunity, and peace—underpinning development, accountable government, and respect for fundamental rights.

WJP builds and supports a global, multi-disciplinary movement for the rule of law through three lines of work: collecting, organizing, and analyzing original, independent rule of law data, including the *WJP Rule of Law Index*®; supporting research, scholarship, and teaching about the importance of the rule of law, its relationship to development, and effective strategies to strengthen it; and connecting and building an engaged global network of policymakers and activists to advance the rule of law through strategic partnerships, convenings, coordinated advocacy, and support for locally led initiatives.

Other Publications



WJP Rule of Law Index 2020



WJP Rule of Law Index 2020 Insights
Highlights and data trends from the
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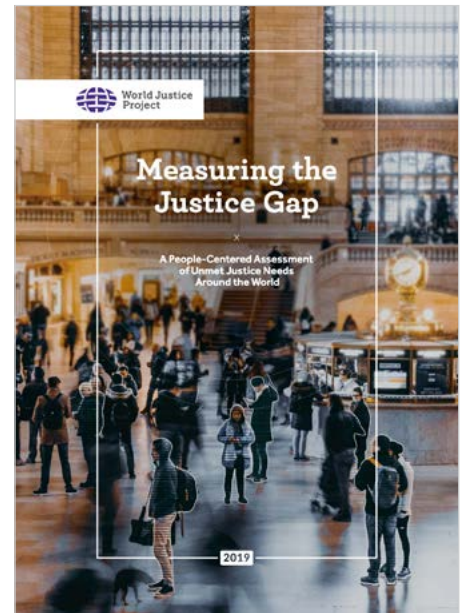
WJP Mexico States Rule of
Law Index 2019-2020
Perceptions and experiences in 32 states



Realizing Justice For All
World Justice Forum Report 2019



Global Insights on Access to Justice 2019
Findings from the World Justice Project
General Population Poll in 101 Countries



Measuring the Justice Gap 2019
A People-Centered Assessment of Unmet
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