



World Justice
Project

The Rule of Law in Afghanistan

Key Findings from the
2018 Extended
General Population Poll

Acknowledgments

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About this Report

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.

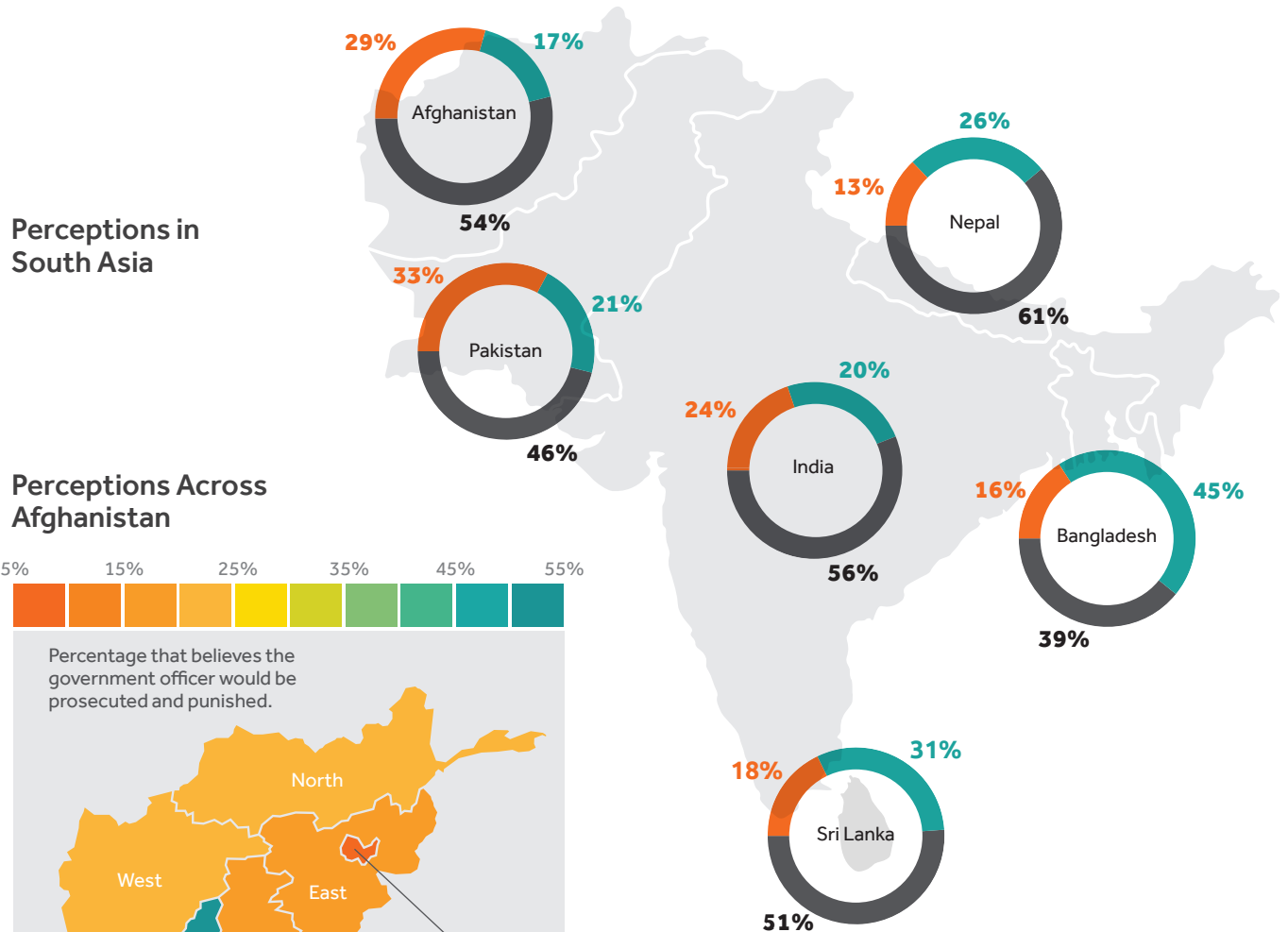
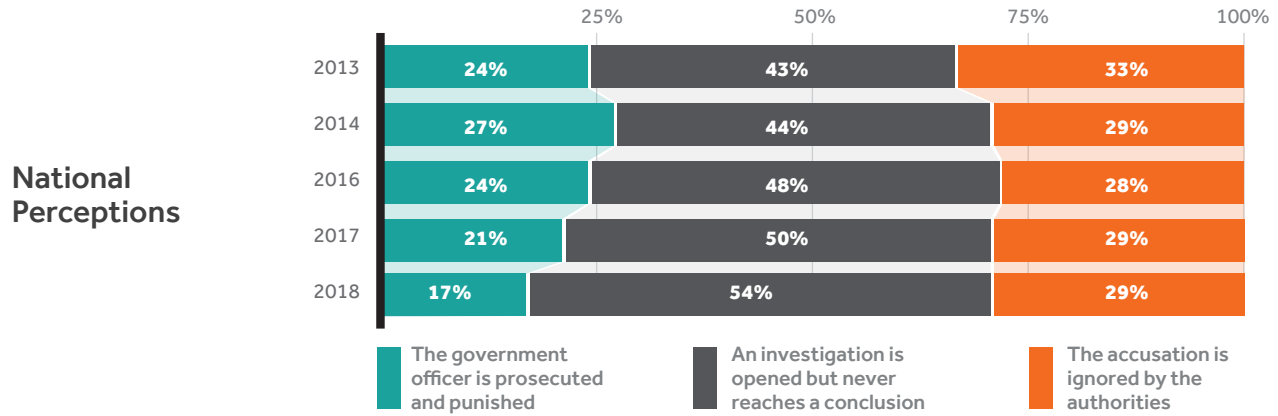
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II

Thematic Breakdown

Perceptions of Government Accountability in Afghanistan

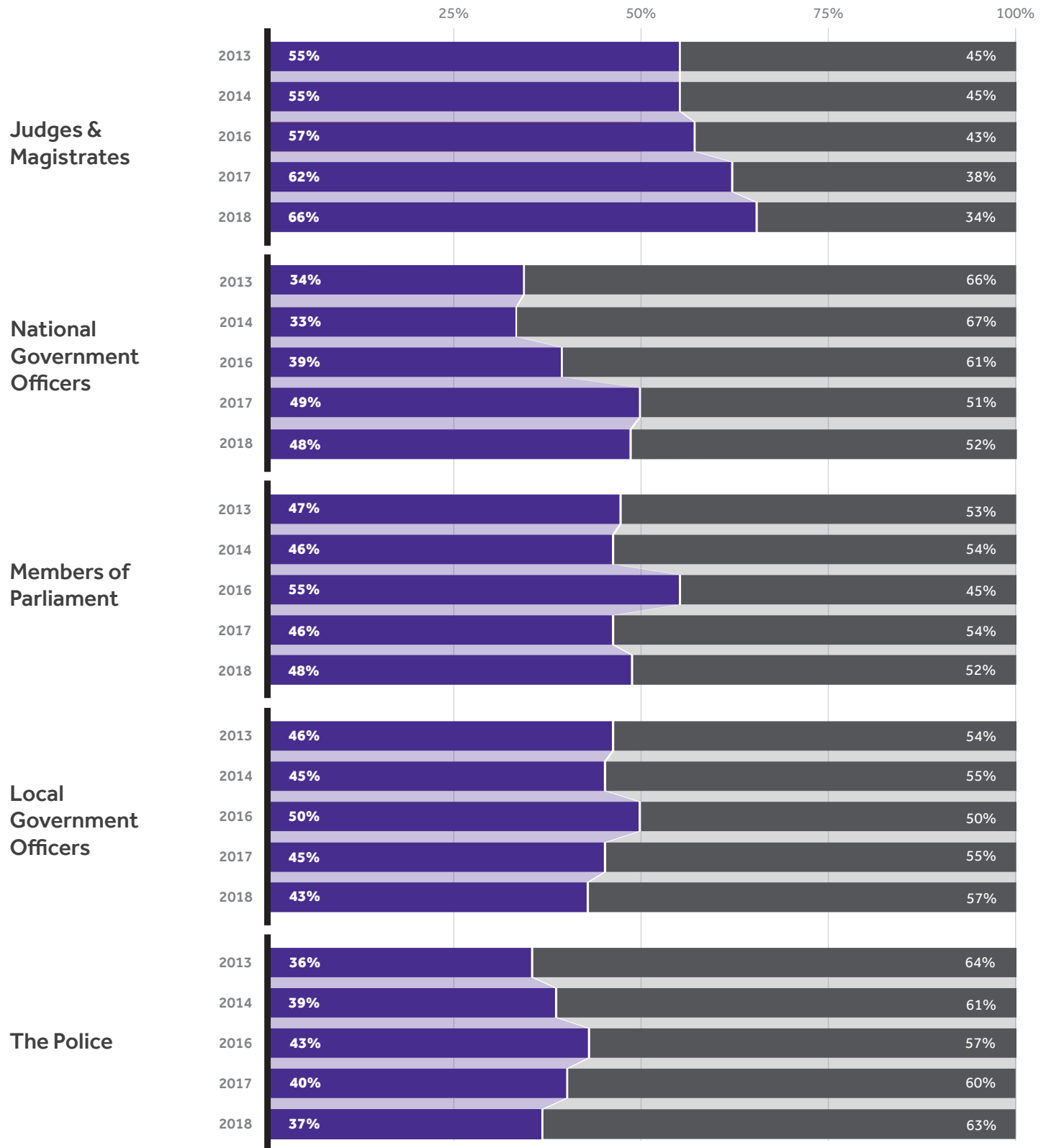
Most likely outcome if a high-ranking government officer is caught embezzling public funds



Corruption Across Institutions in Afghanistan

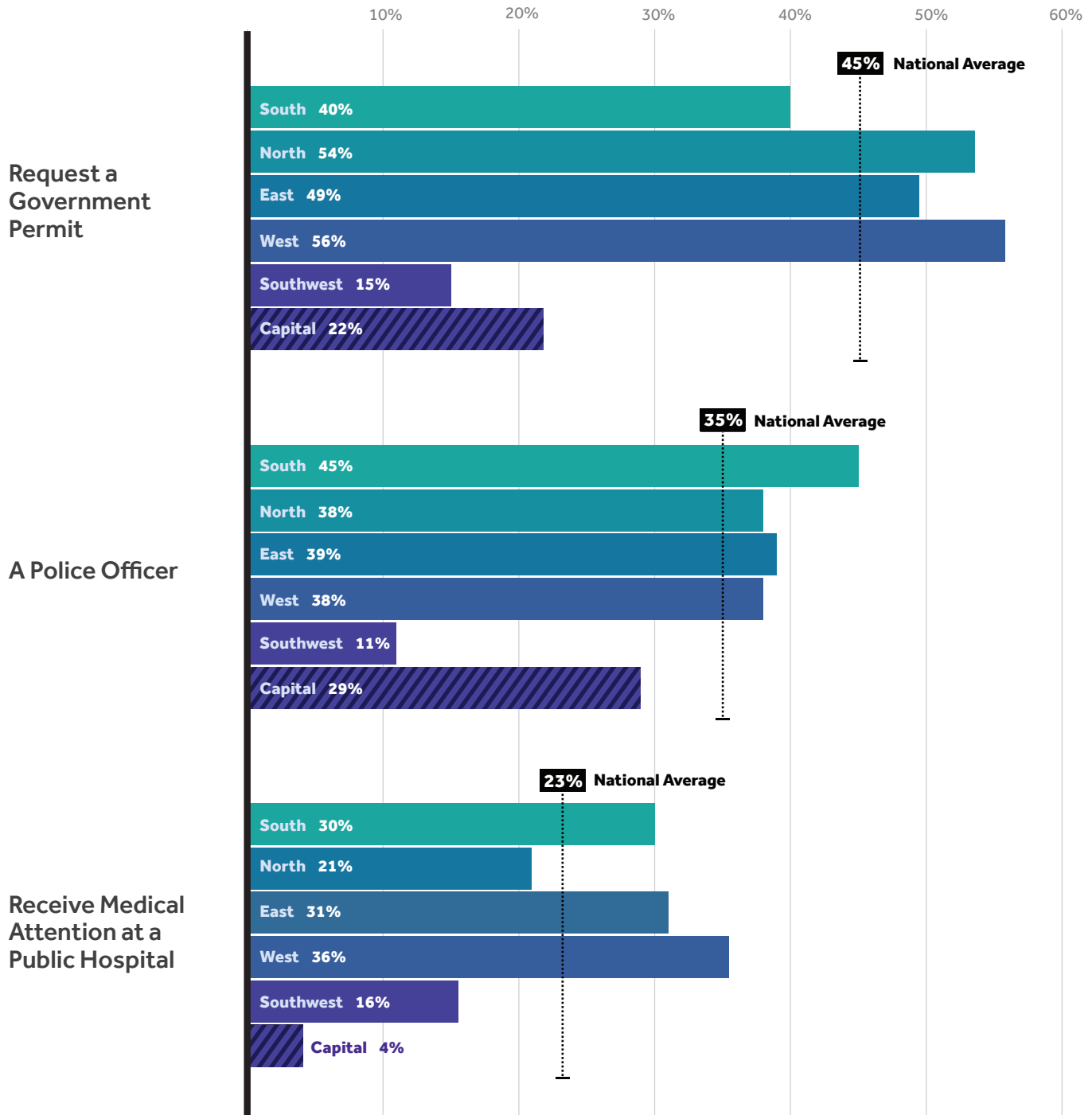
Perceptions about the number of authorities involved in corrupt practices

All / Most Some / None



Bribery Victimization in Afghanistan

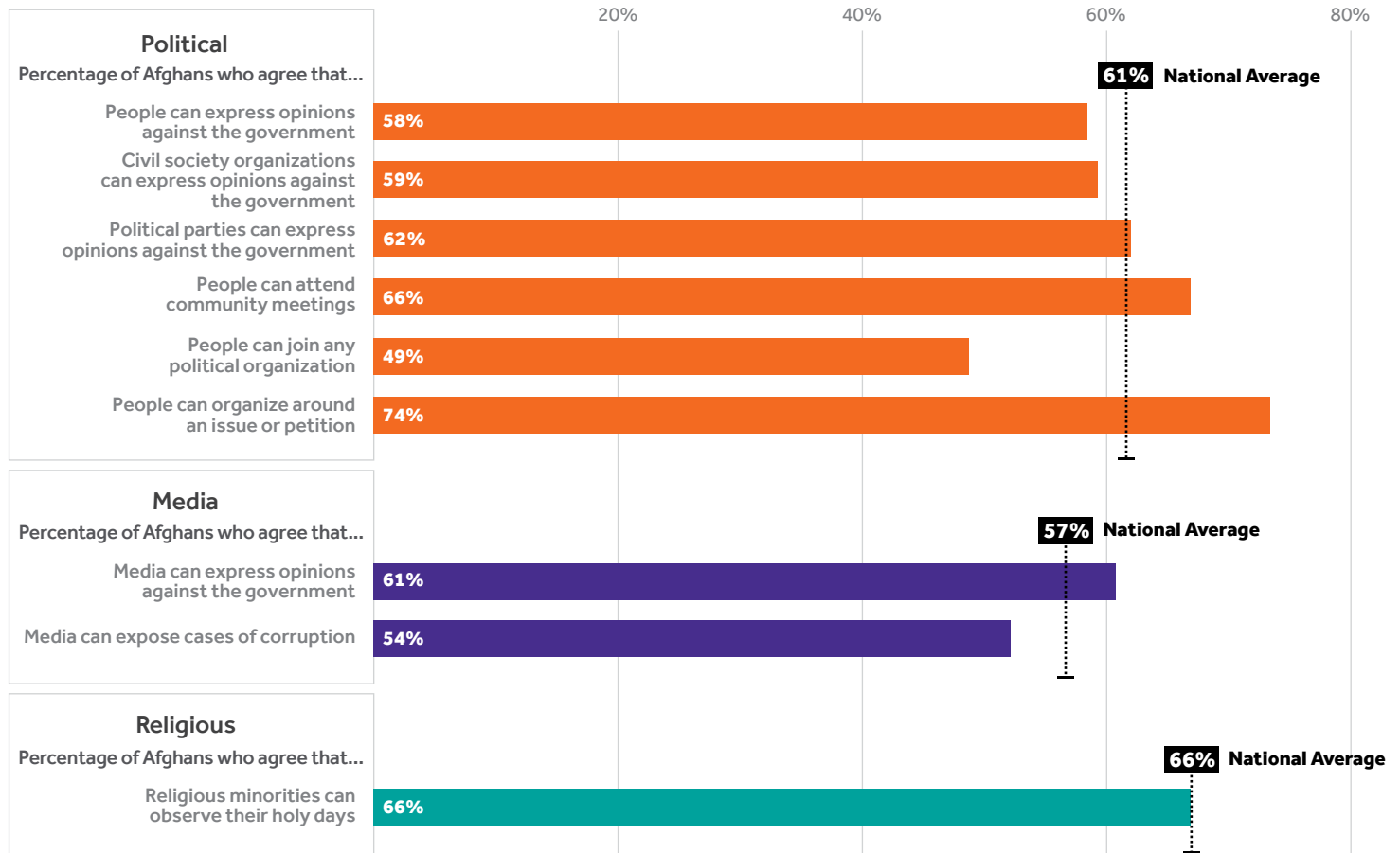
Percentage of people who had to pay a bribe to...



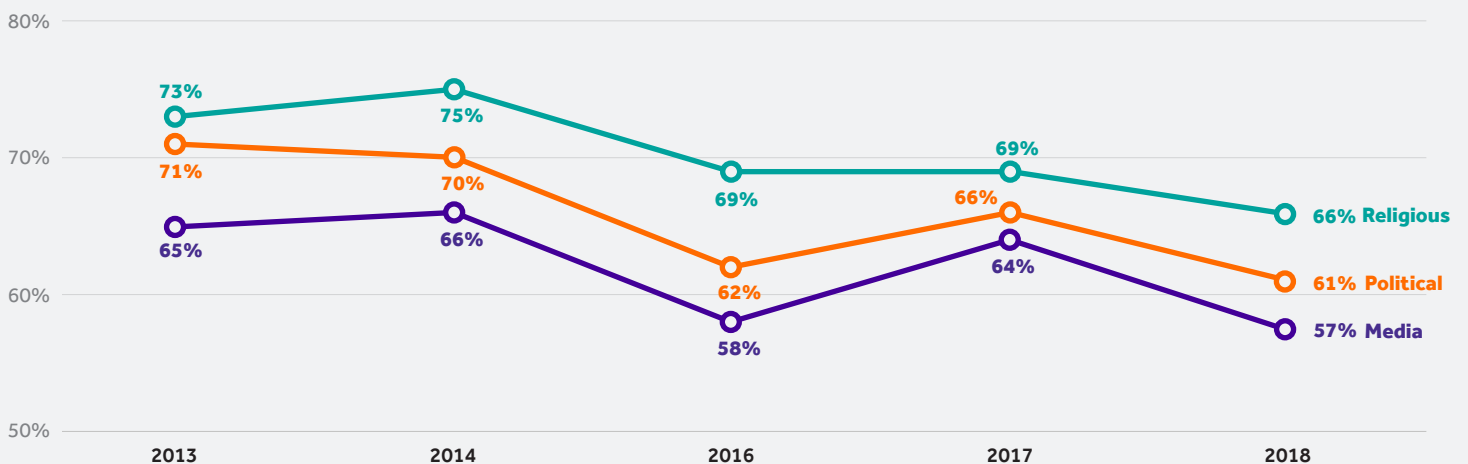
Fundamental Freedoms in Afghanistan

Afghans' views on political, media, and religious freedoms in the country

Perceptions of Fundamental Freedoms



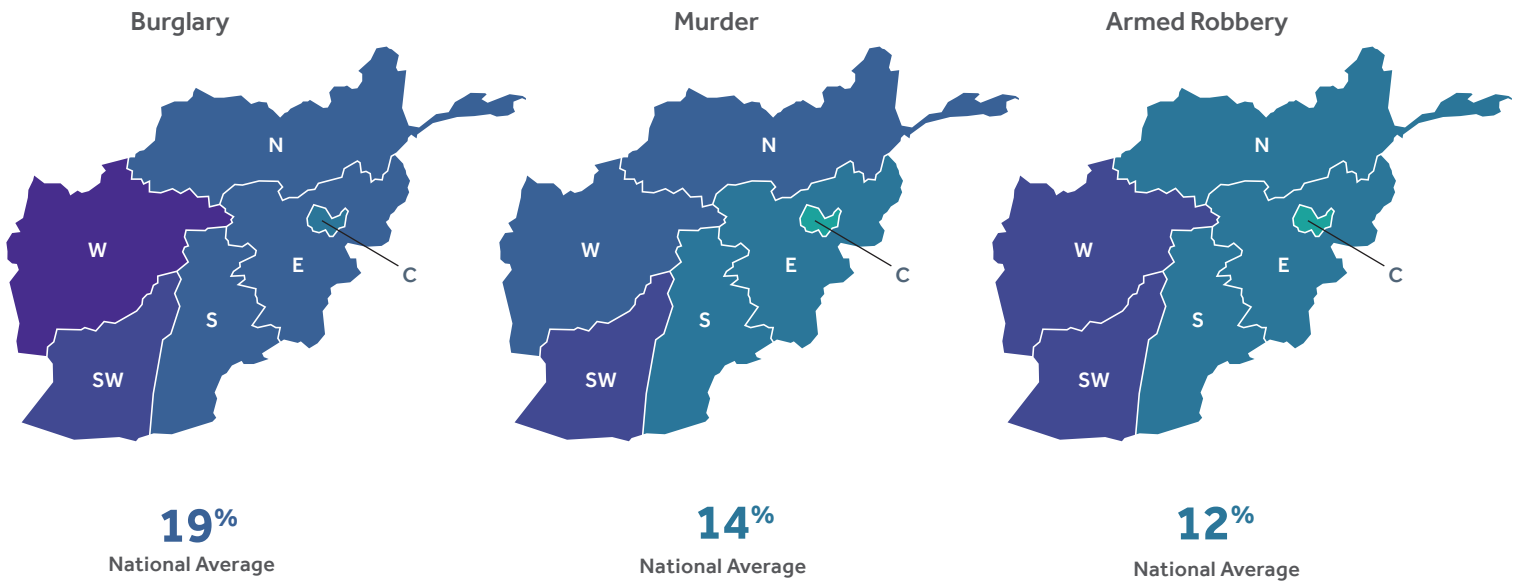
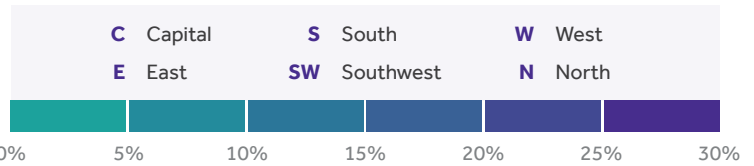
Average of Fundamental Freedoms over Time



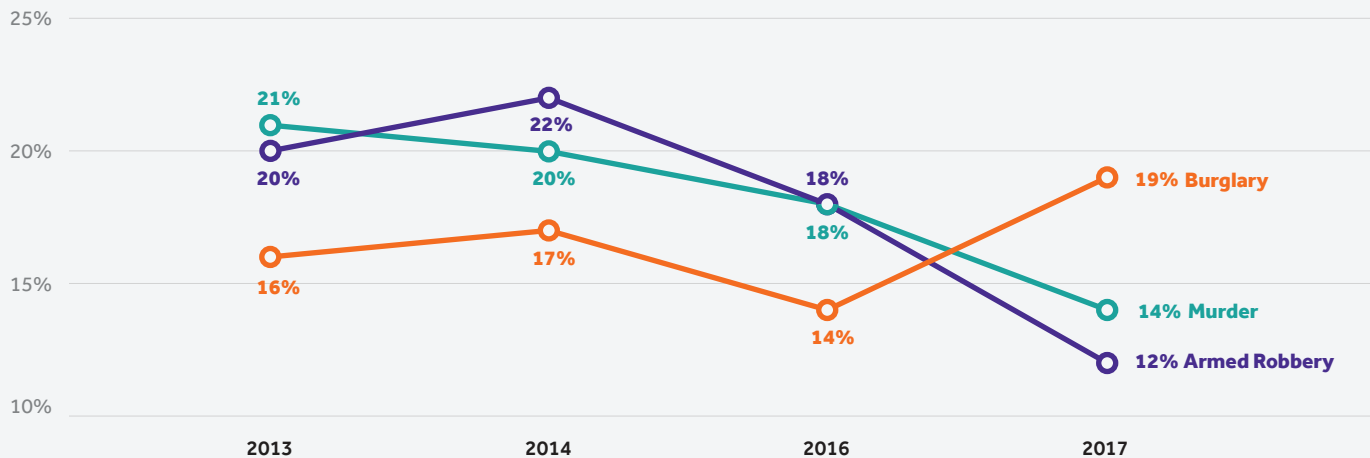
Crime Victimization in Afghanistan

Percentage of households that have been victims of burglary, armed robbery, or murder in the last three years

Crime Victimization by Region



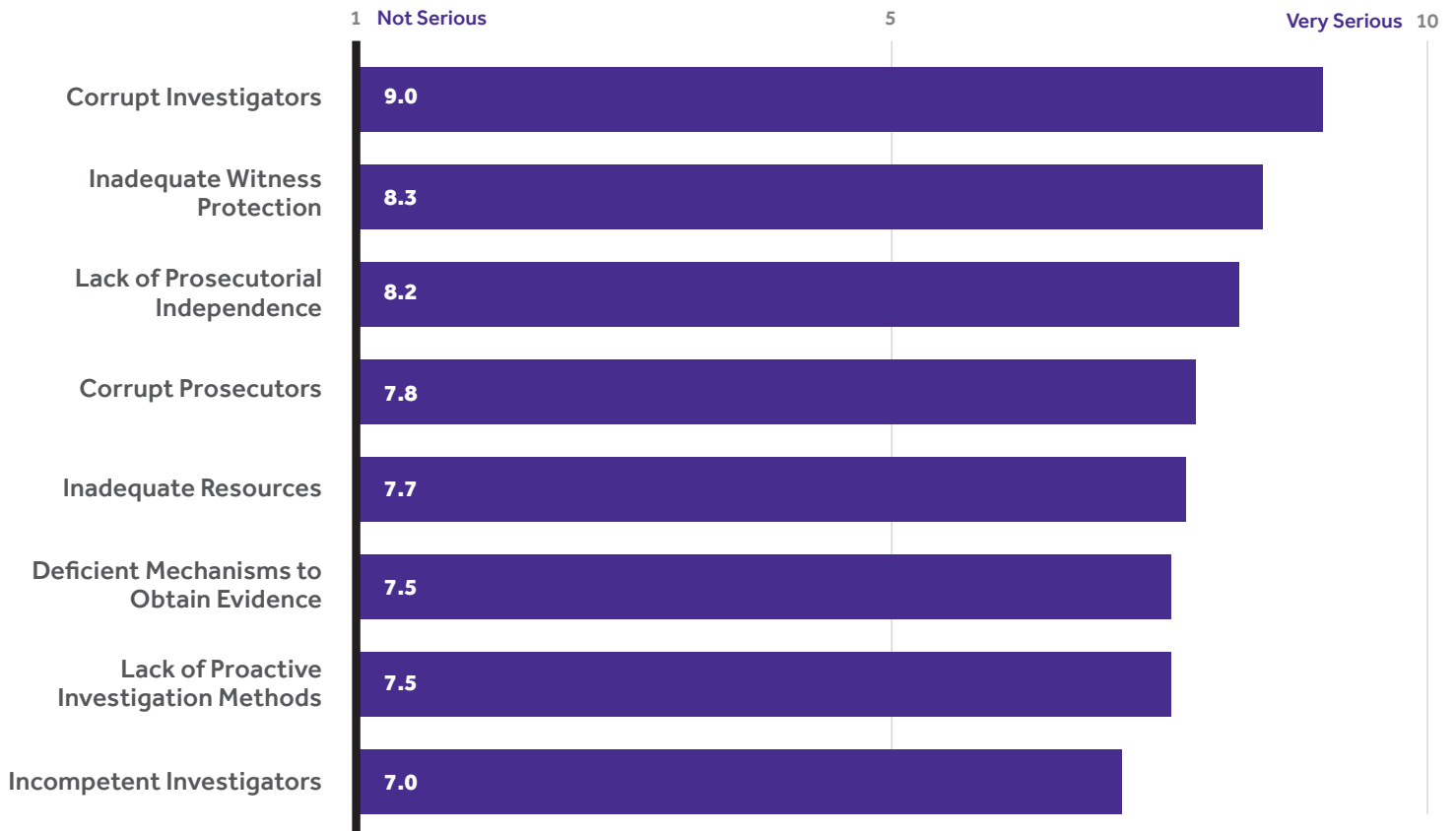
Average of Crime Victimization over Time



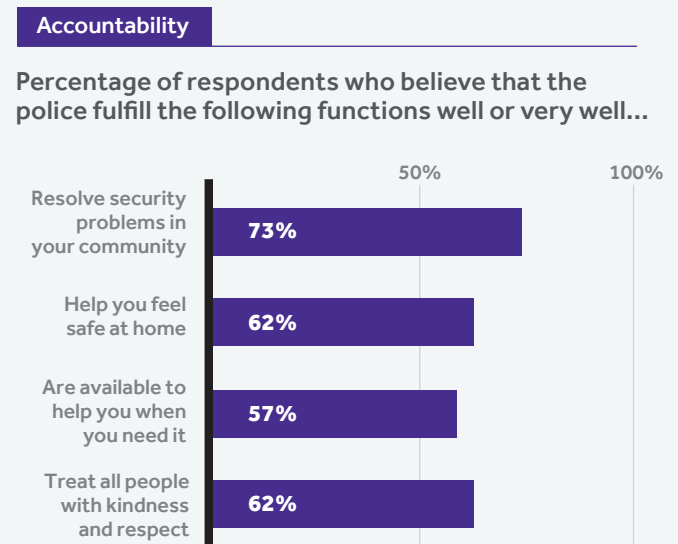
Source: WJP General Population Poll 2013, 2014, 2016 & 2017

Criminal Justice in Afghanistan

Problems of the Criminal Investigative Services



Perceptions of the Police

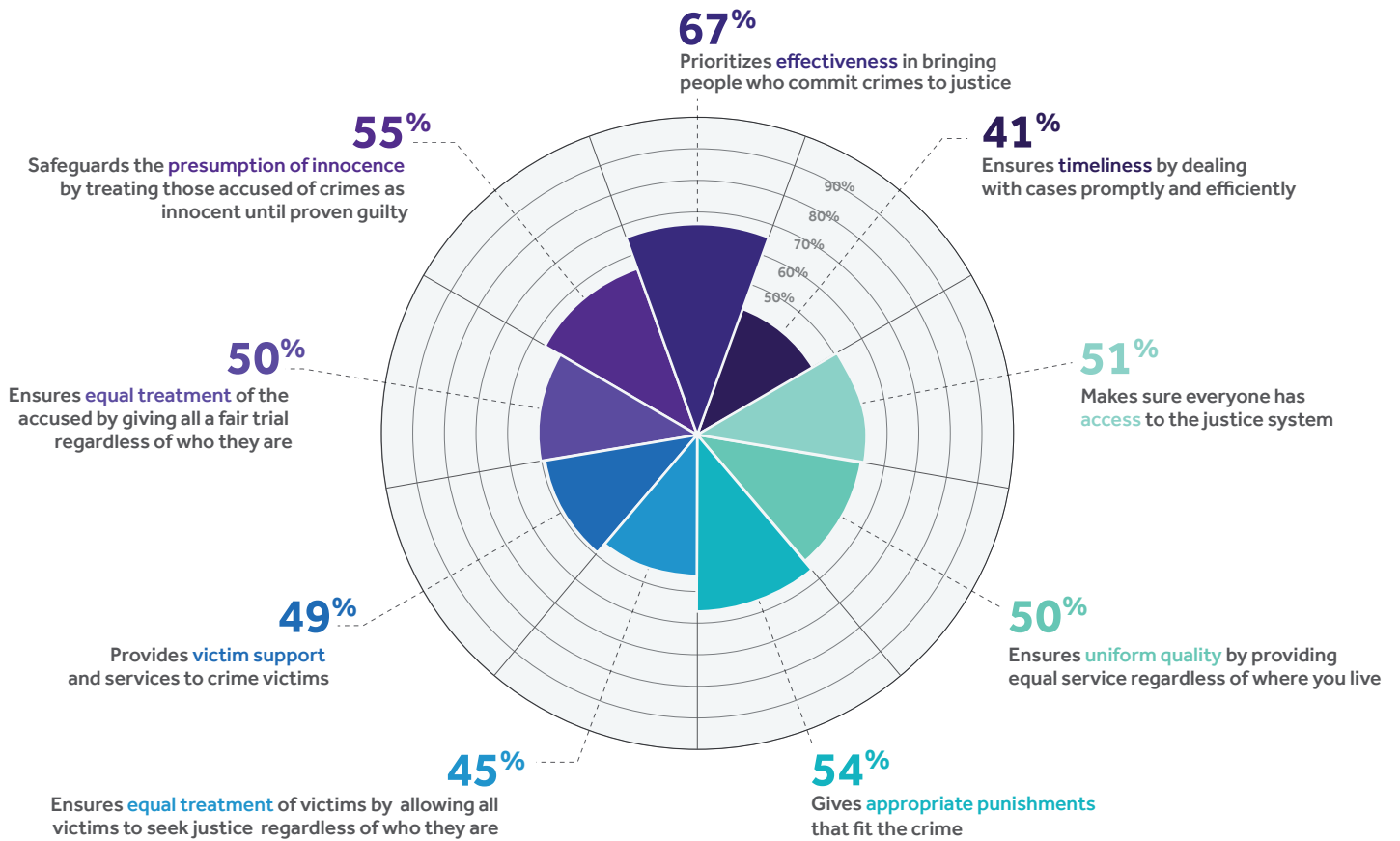


Source: Scores for problems faced by the criminal courts represent average responses from Afghan criminal justice experts surveyed for the WJP Rule of Law Index 2018-2019. All other data are from the WJP General Population Poll 2013, 2014, 2016, 2017 & 2018.

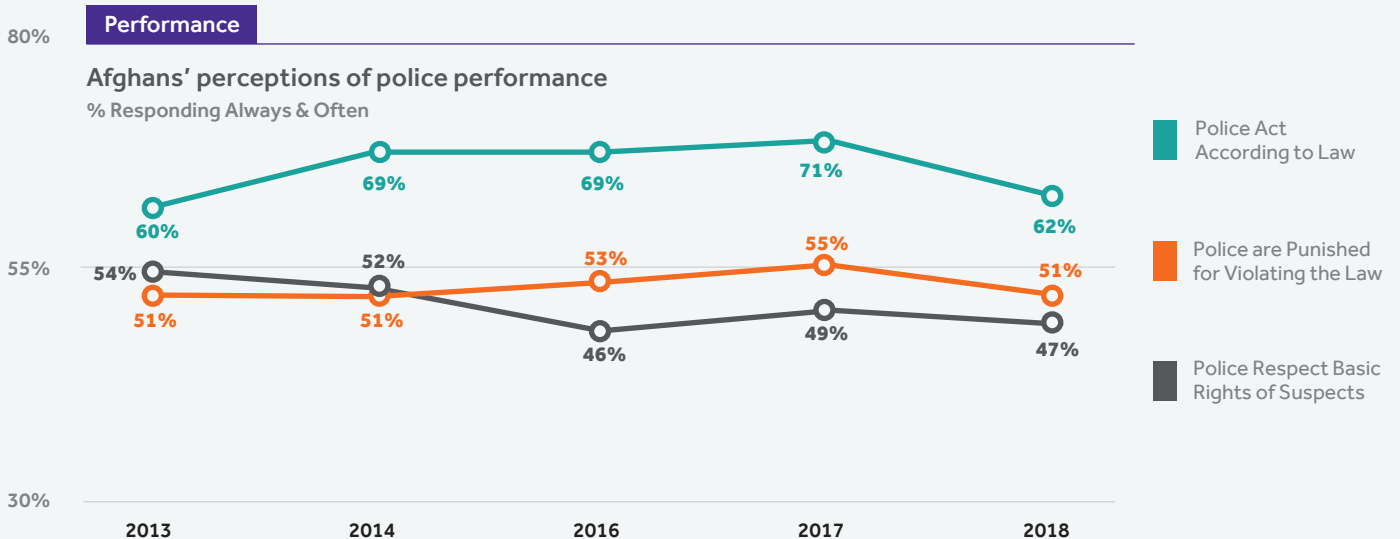
Criminal Justice in Afghanistan

Perceptions of the Criminal Justice System

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

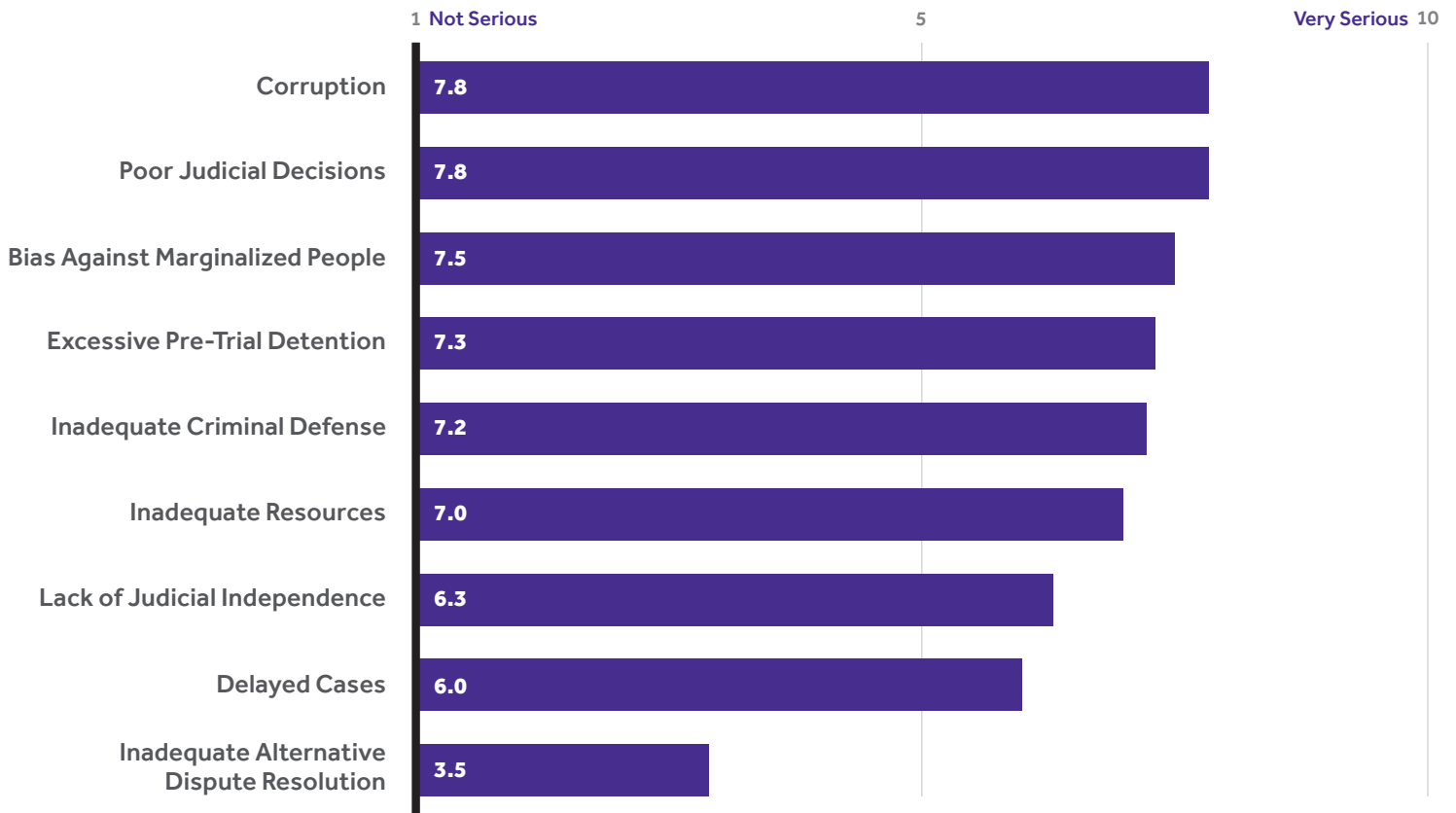


Perceptions of the Police



Criminal Justice in Afghanistan

Problems Faced by Criminal Courts

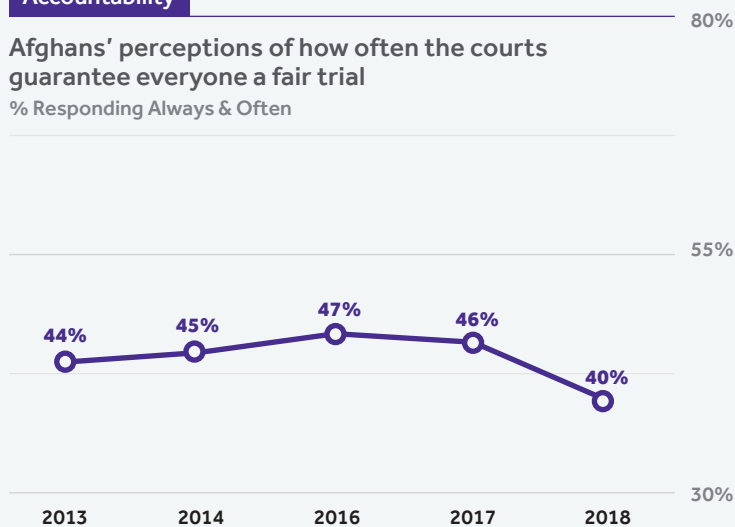


Perceptions of the Courts

Accountability

Afghans' perceptions of how often the courts guarantee everyone a fair trial

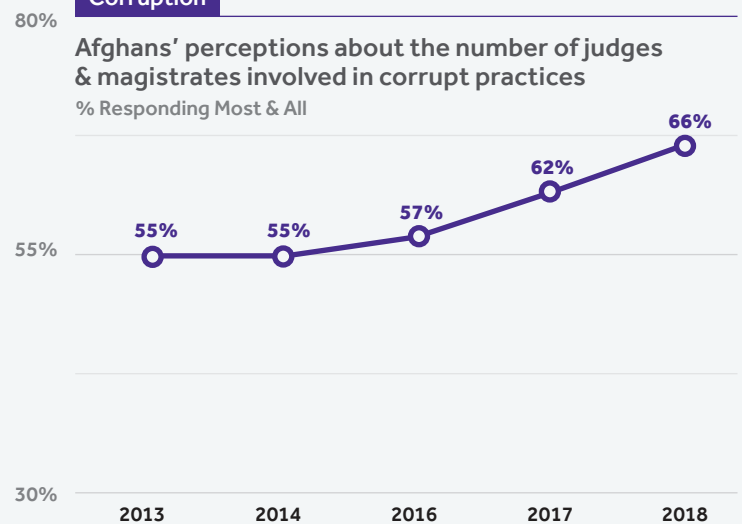
% Responding Always & Often



Corruption

Afghans' perceptions about the number of judges & magistrates involved in corrupt practices

% Responding Most & All



Source: Scores for problems faced by the criminal courts represent average responses from Afghan criminal justice experts surveyed for the *WJP Rule of Law Index 2018-2019*. All other data are from the *WJP General Population Poll 2013, 2014, 2016, 2017 & 2018*.

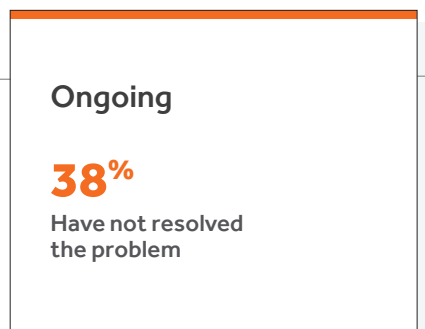
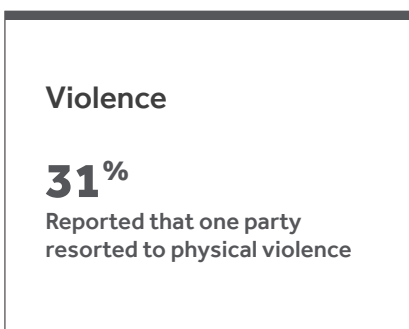
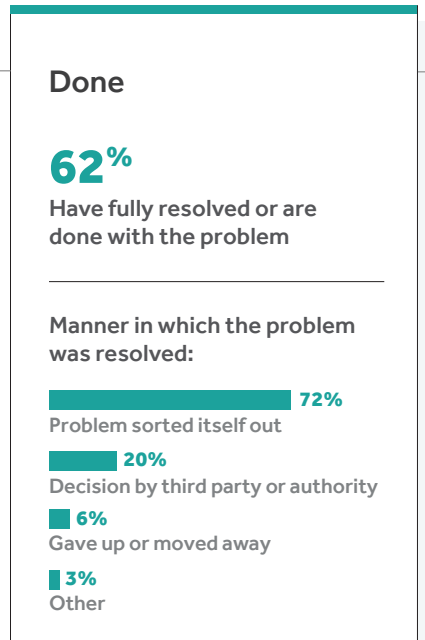
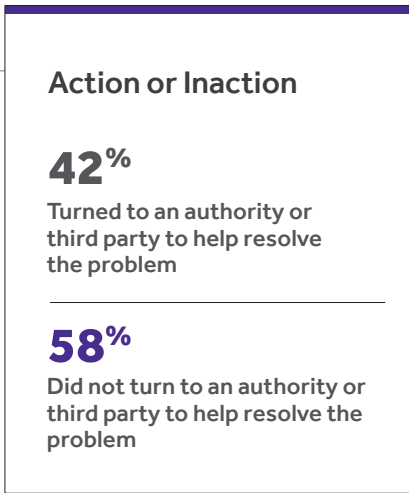
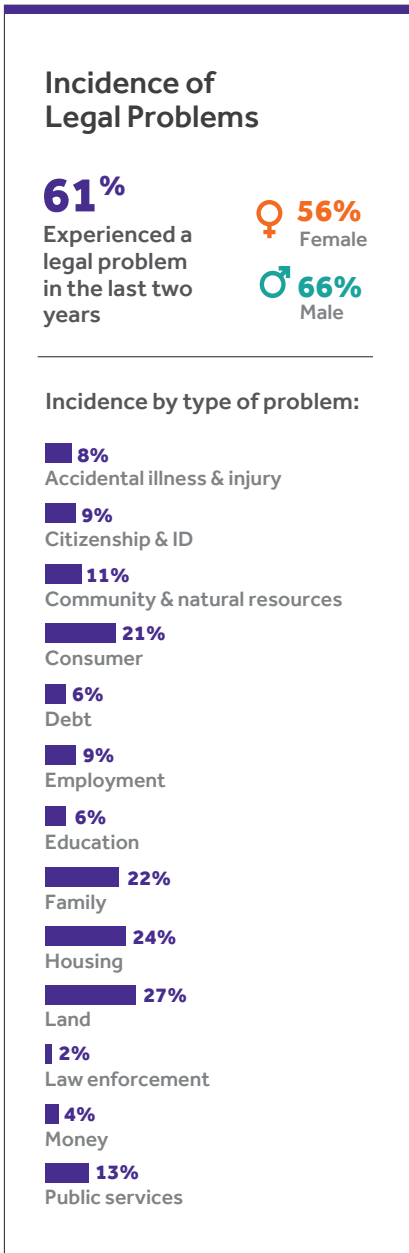
Legal Awareness in Afghanistan

Percentage of Afghans who responded correctly to true or false statements about their legal rights

	National Average	Breakdown by Gender		Breakdown by Education			
		Men	Women	No Schooling	Primary Level	Secondary Level	University or Above
Due Process							
A suspect must be informed of the nature of the accusation immediately upon arrest.	74%	72%	75%	71%	78%	76%	80%
A poor person is entitled to free legal representation in criminal matters.	65%	64%	66%	64%	63%	68%	61%
A suspected criminal can be detained for as long as needed.	48%	50%	45%	47%	47%	50%	50%
Land Rights							
Citizens living on a piece of land for 10 years are entitled to receive a land certificate automatically.	74%	75%	73%	72%	78%	76%	77%
A person can use someone else's water supply without the owner's permission.	73%	75%	71%	74%	71%	72%	68%
Only the male head of household can be listed on a land certificate.	29%	28%	30%	29%	27%	28%	27%
Women's Rights							
The marriage of a girl whose age is less than 15 is allowed by law.	80%	79%	81%	80%	78%	81%	81%
A woman can obtain a divorce without the approval of her husband.	80%	83%	77%	79%	82%	82%	82%
Women can be exchanged as brides to settle unpaid debts.	82%	81%	82%	82%	79%	84%	81%
All citizens, men and women, have equal rights and duties before the law.	77%	73%	81%	76%	76%	79%	76%
Average Score							
Out of 10 questions	6.8	6.8	6.8	6.7	6.8	6.9	6.8

Access to Civil Justice in Afghanistan

Incidence of everyday legal problems, whether respondents take action to resolve these problems, and experiences with the resolution process



Duration **2.64 Months**
Average time to solve the problem

Financial Difficulty **16%**
Reported that it was difficult or impossible to pay costs incurred to resolve problem

Satisfaction **82%**
Are satisfied with the outcome

Legal Capability **73%**
Knew where to get advice

65%
Were confident they could achieve a fair outcome

54%
Got all the expert help they wanted

Satisfaction **44%**
Are satisfied with the process so far

Legal Capability **65%**
Knew where to get advice

52%
Were confident they could achieve a fair outcome

49%
Got all the expert help they wanted

Hardship

49%
Experienced a hardship as a result of their legal problem

48% Female
49% Male

Type of hardship:

- 26%** Stress related illness
- 28%** Relationship breakdown
- 21%** Relocated or lost employment

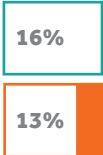
Women in Afghan Society

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

Views on Women's Role in Society

Inheritance

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

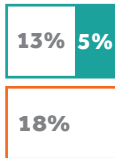


B All children are entitled to a portion of their parent's estate

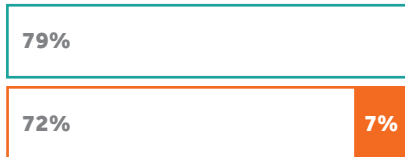


Divorce

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



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



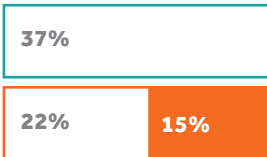
Key

Values based on percent that agreed with statement A or B

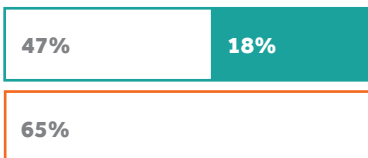


Domestic Violence

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



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

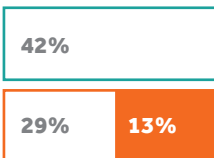


Employment

A A woman should be allowed to work outside the home



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



Dispute Resolution

A Women should engage in local dispute resolution



B Women should stay out of local dispute resolution



Legal Identity & Literacy

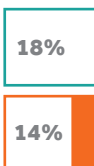
National ID

Has a current, unexpired National ID



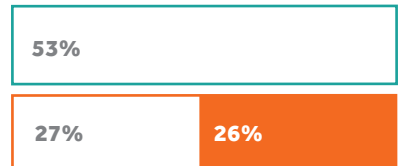
Birth Certificate

Has a birth certificate



Literacy

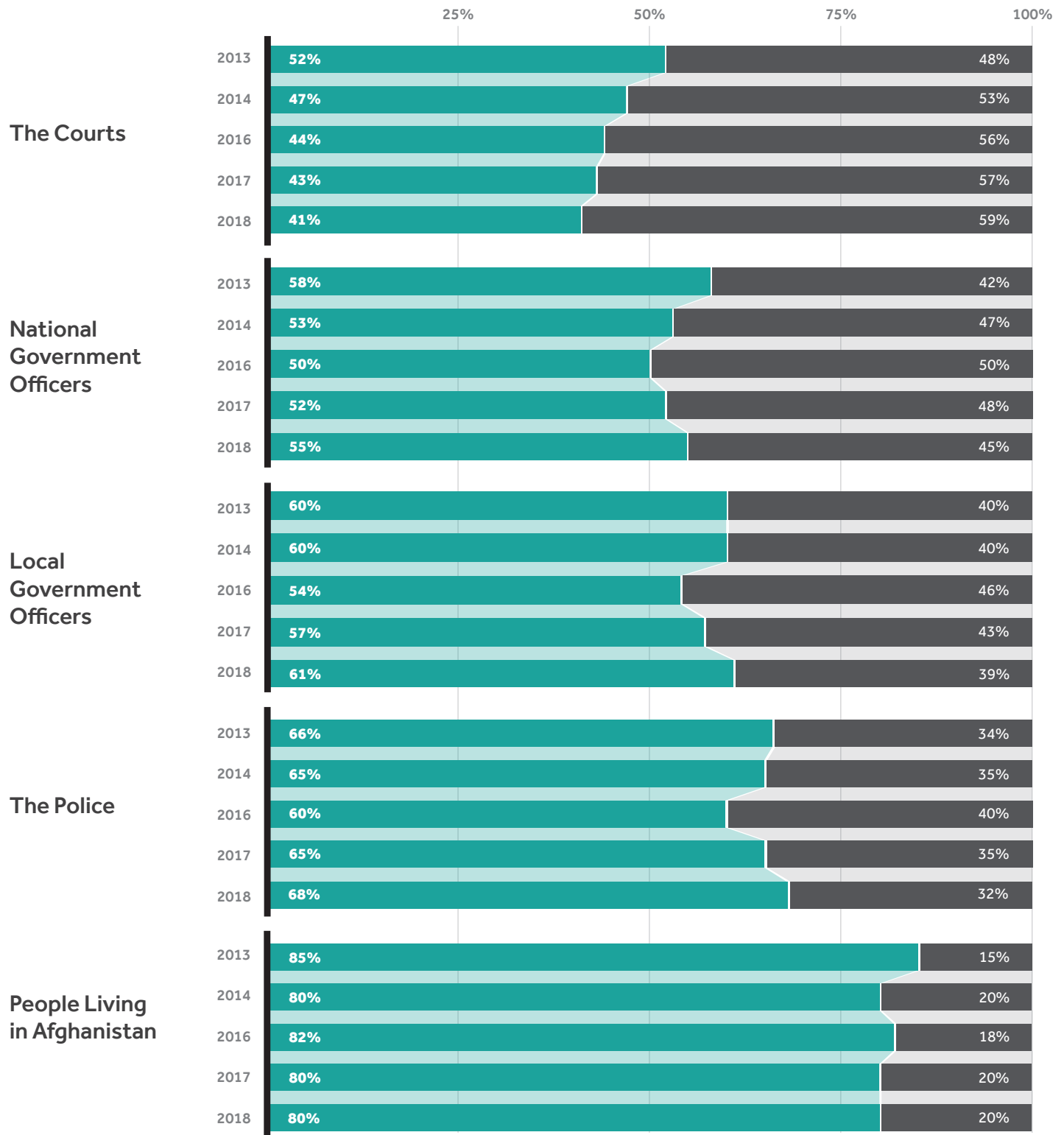
Can read and write



Trust in Afghanistan

How much trust do Afghans have in...

A lot / Some Little / None





section

III

Project Design

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 18th to September 27th, 2018, 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 3,006 interviews distributed proportionally across all 34 provinces of Afghanistan. D3 Systems and ACSOR Surveys based the sampling frame on the 2016-2017 updated population figures from the Central Statistics Office (CSO) of Afghanistan, acquiring a proportionally stratified sample by Province and Urban/Rural Status.

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: perceptions of government accountability, fundamental rights, and legal awareness. The sample size for these modules consisted of more than 1,450 individuals, as opposed to the questions administered to the entire sample of 3,006 respondents. Aside from these modules, the questionnaires are identical. Both survey instruments are located Appendix 1 and Appendix 2 of this report.

Descriptions of the Sample

REGION Interviews were conducted in the six regions of Afghanistan, with more interviews conducted in the East region (35%), the North region (27%), and the West region (13%).

GEOGRAPHY 85% of respondents reside in rural areas, villages, and towns. 15% of respondents reside in metro areas or cities.

ETHNICITY Most respondents identified themselves as Tajik (32%), Pashtun (24%), or Afghan (19%).

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

EDUCATION Most respondents (58%) reported that they had received no formal education.

INCOME Most respondents (77%) reported a monthly household income of 10,000 Afghanis or less.

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 35 completely inaccessible villages due to Taliban control.

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 142 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 12.7% of interviews in field. During data processing, 15% of questionnaires were selected for double-entry. After quality control, there were 94 questionnaires rejected from the final sample. Survey administrators attempted up to three contacts per respondent and completed 99.4% of completed interviews during the first contact attempt. Interviews averaged 38 minutes in length and ranged from 20 to 58 minutes.

section

IV

Appendix

Appendix

Survey Instruments & Database

THE WORLD JUSTICE PROJECT (WJP) DESIGNED THE GENERAL POPULATION POLL (GPP)

to capture data about 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 findings in this report come from a poll conducted in September 2018 through face to-face interviews in 3,006 urban and rural households distributed proportionally across the 34 provinces of Afghanistan.

In an attempt to address all relevant topics and to control the questionnaire length, the WJP split the survey into Version A and Version B, administering certain modules in only one of the two versions. These modules include: perceptions of government accountability, fundamental rights, and legal awareness. Aside from these modules, the questionnaires are identical.

- **WJP General Population Poll 2018 – Survey Instrument A**
- **WJP General Population Poll 2018 – Survey Instrument B**
- **WJP General Population Poll 2018 – Frequency Tables for Afghanistan**



World Justice
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About the World Justice Project

THE WORLD JUSTICE PROJECT® (WJP) is an independent, multidisciplinary organization working to advance the rule of law around the world. The WJP engages citizens and leaders from across the globe and from multiple work disciplines to advance the rule of law. Our work is founded on two premises: 1) the rule of law is the foundation of communities of peace, opportunity, and equity; and 2) multidisciplinary collaboration is the most effective way to advance the rule of law. Based on this, WJP's mutually reinforcing lines of business – Research and Scholarship, the *WJP Rule of Law Index*®, and Engagement – employ a multi-disciplinary, multi-layered approach through original research and data, an active and global network, and practical, on-the-ground programs to advance the rule of law.