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RULE OF LAW STABILIZATION – FORMAL COMPONENT

COURT USER SURVEY

PERCEPTIONS OF COURT USERS IN AFGHANISTAN

August 2013

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COURT USER SURVEY

PERCEPTIONS OF COURT USERS IN AFGHANISTAN

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DISCLAIMER
The author's views in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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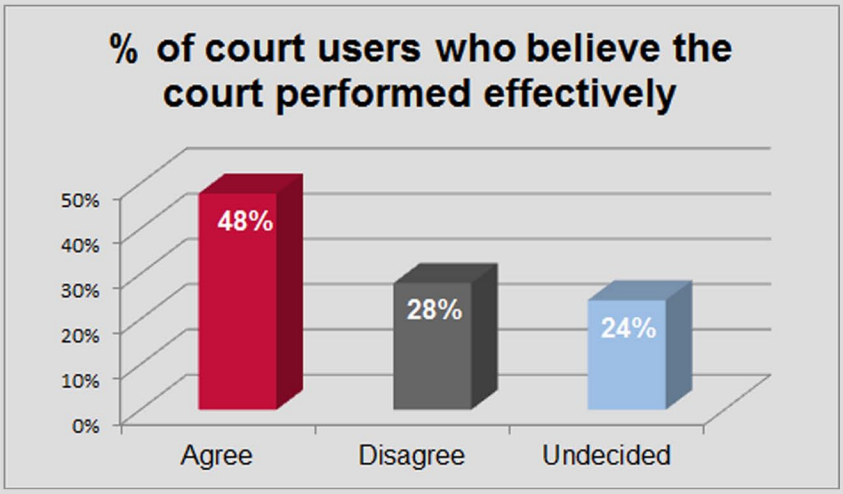
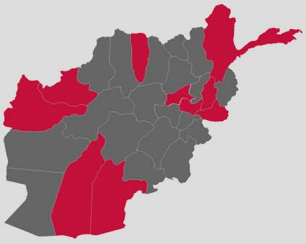
Survey Snapshot

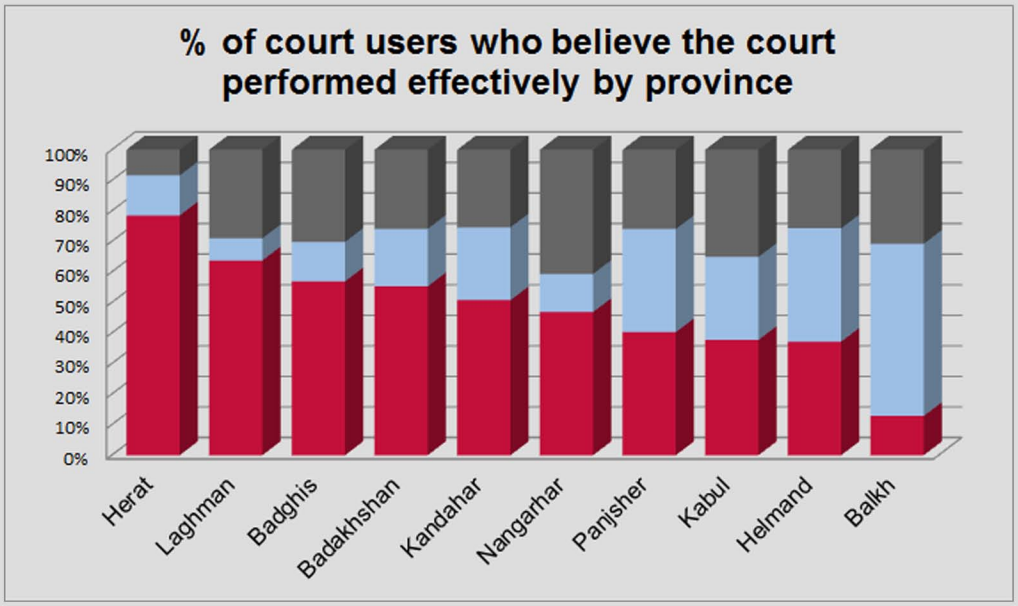
935
court users surveyed



26
Districts

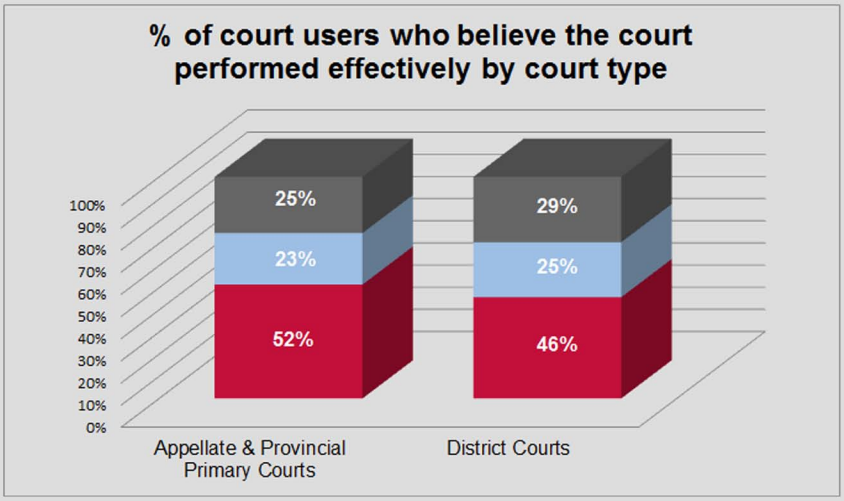
10
Provinces





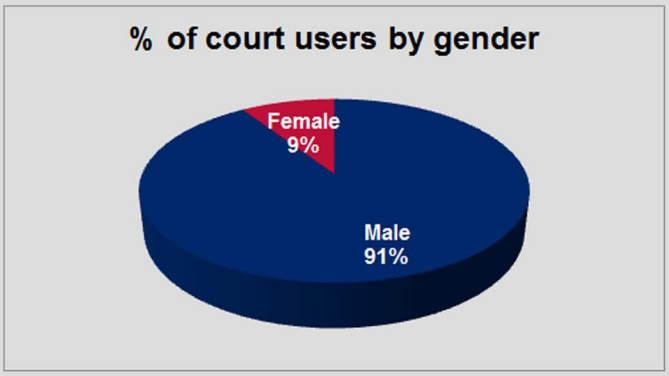
16
District Courts

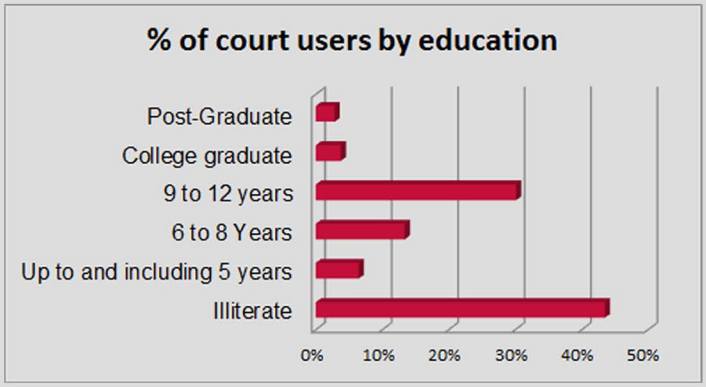
10
Appellate & Provincial Primary Courts

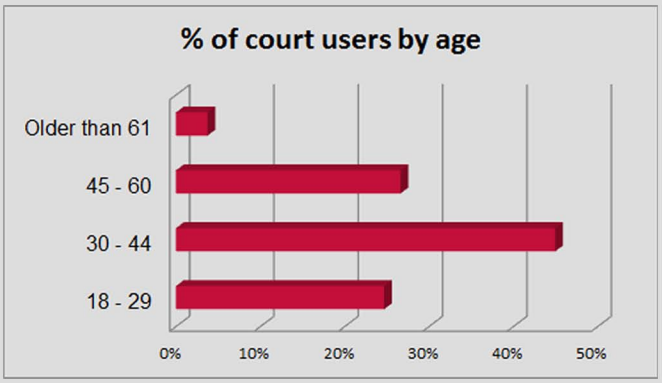


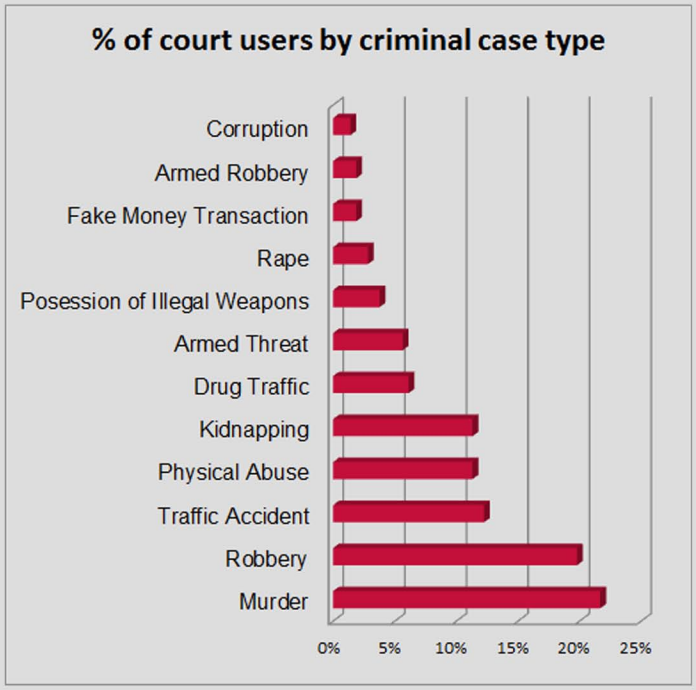
Court Users in Afghanistan

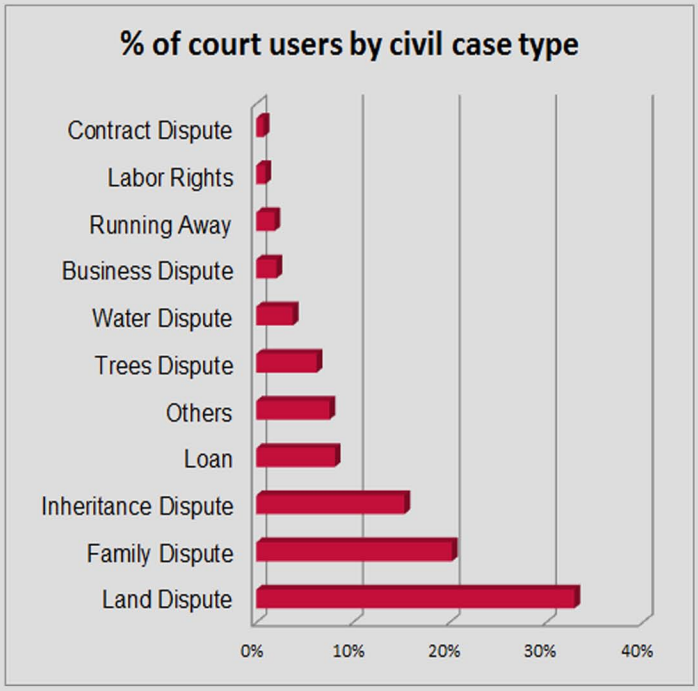
94% response rate by those asked to participate in the survey











RLS-Formal Impact & Findings

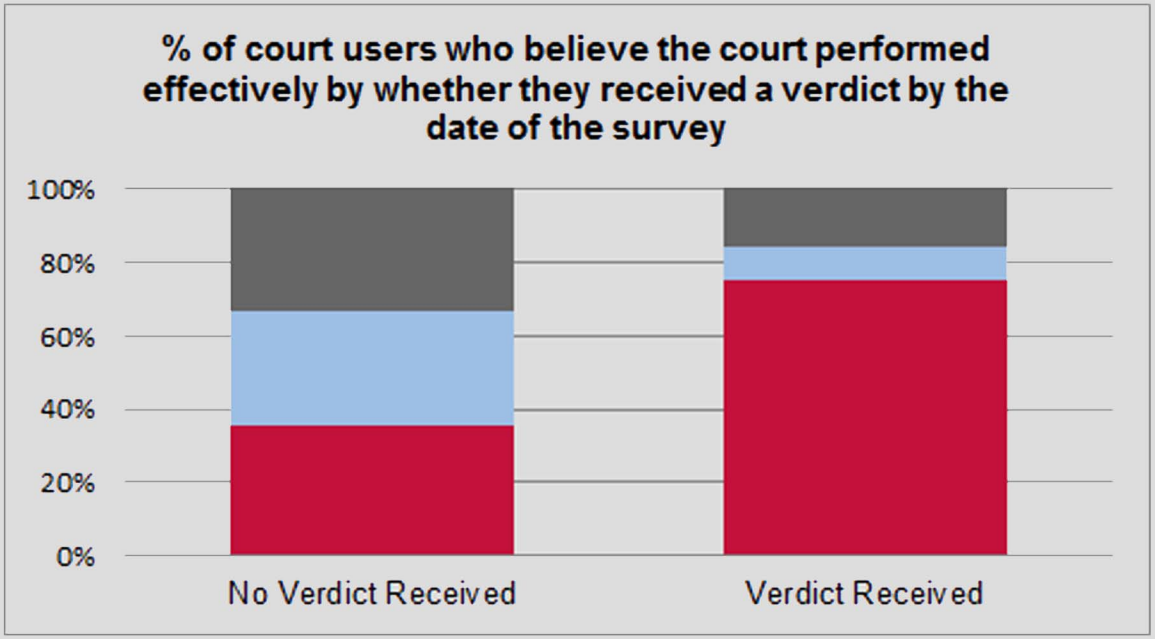
A **court user** in a court where...		RLS-Formal **trained court administrators** is...	179%	More likely than the average court user to say the **court performed effectively**.
		A **recent *Stage* graduate** serves is...	60%	
		RLS-Formal **trained judges** is...	49%	

The Importance of Court Management

If a court user believes a court performed effectively, he or she...

Likely thinks the court:	Likely cares less about:
Processed their case or issue efficiently	The court layout
Provided clear instructions	The safety of the court
Provided access to information	The demeanor of the judge
Treated them fairly and equitably	The demeanor of the court staff
Was easy to travel to	

Justice Delayed is Justice Denied



EXECUTIVE SUMMARY

The Afghanistan Rule of Law Stabilization – Formal Component (RLS-Formal) is a United States Agency for International Development (USAID) funded program designed to increase public confidence in the rule of law system and support the improved performance and accountability of governance in Afghanistan.

RLS-Formal conducted the first phase of a survey of court users in Badakhshan, Badghis, Balkh, Helmand, Herat, Laghman, Kabul, Kandahar, Nangarhar, and Panjshir provinces in August 2013. The survey gauged the perceptions of court users through ten key questions (the Q10) about their interaction with the court system. The results affirm that USAID and RLS-Formal are increasing public confidence in the formal rule of law system based on the perceptions of court users.

Half of court users in Afghanistan agree that their court performed effectively, and the remainder is divided almost equally between being undecided or disagreeing. A court user at a courthouse impacted by one of RLS-Formal's activities is more likely to agree that the court performed effectively than the average court user.

Specifically, the survey identified training court clerks, the Judicial *Stage,* Afghanistan's induction training program for new judges, and training sitting judges as the most impactful activities to improve court user perceptions, as opposed to donating equipment or embedding staff at courthouses.

Court user attitudes toward court performance closely correspond to their views of the court's overall administration. For instance, a court user who believes a court performs effectively is likely to also believe the court managed his or her case efficiently. Additionally, a court user who receives a verdict in his or her case by the date of the survey is more likely to believe the court performed effectively, regardless if the verdict was favorable or unfavorable.

The subsequent report describes these findings in detail using advanced statistical analysis techniques and disaggregates data by province, gender and court type, among other attributes.

The survey is a quasi-experimental study rather than scientific study, because the lack of an accurate estimate of court users in Afghanistan prevents probability sampling, and conditions inside courthouses complicate the random selection of respondents.

Acknowledging these constraints, RLS-Formal constructed a representative sample size of 935 court users at a confidence interval of plus or minus 5 percent and a confidence level of 95 percent. The confidence interval describes how well the sample predicts the population, and the confidence interval defines the certainty the survey results.

COURT USER PERCEPTIONS

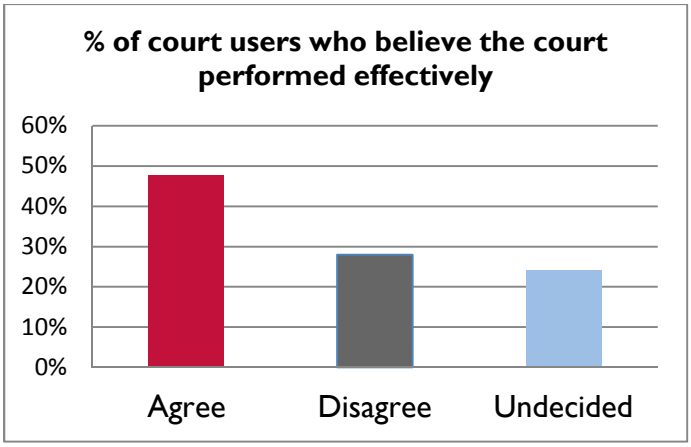
SURVEY RESULTS

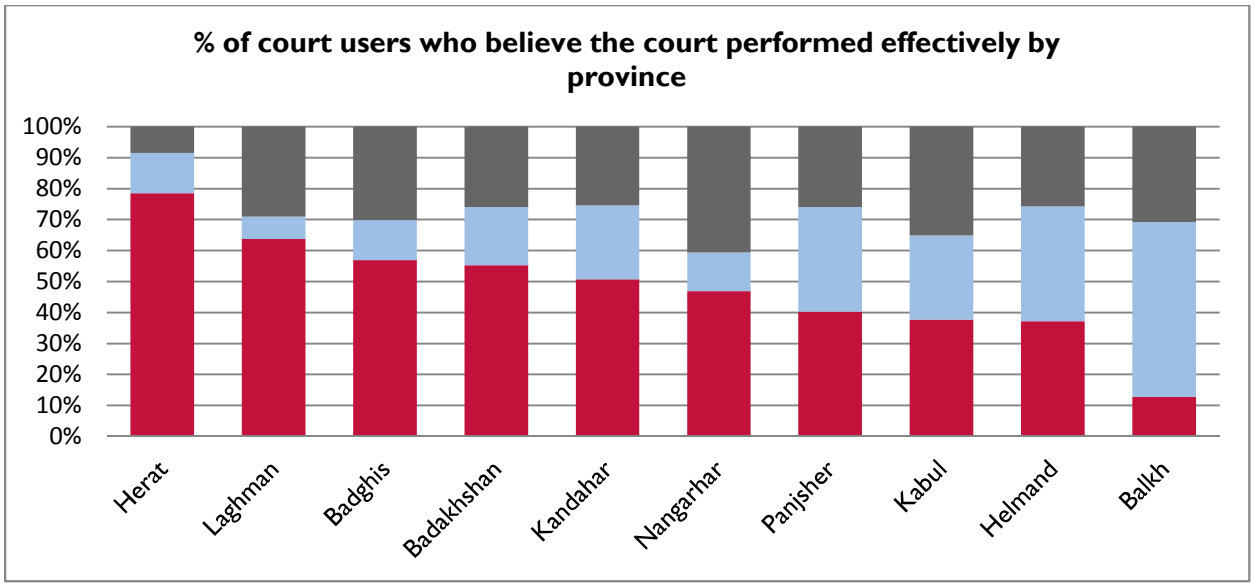
The survey measures the perceptions of court users through ten questions. The questions solicit the respondent's views of the effectiveness, location and safety of the court, and the treatment they receive from judges and court administrators.

Question 1: OVERALL COURT PERFORMANCE

This question represents the court user's overall impression of the court's performance based on their experience.

The field surveyor asks the court user whether they agree, disagree or are undecided with respect to the following statement: "Overall, I think the court performed effectively."





Indicator 1: % of court users who agree that a court performed effectively

The court user survey collects data for the primary performance indicator in RLS-Formal's Performance Management Plan (PMP).

Performance Indicator 1 is the "percentage of court users who agree that a court performed effectively" disaggregated by gender and province. The question from the court user survey "Overall, I think the court performed effectively" informs this indicator.

The project will report the following results for the indicator in the 4th Quarter of Fiscal Year 2013:

47.8% **of court users agree that a court performed effectively in Afghanistan.**

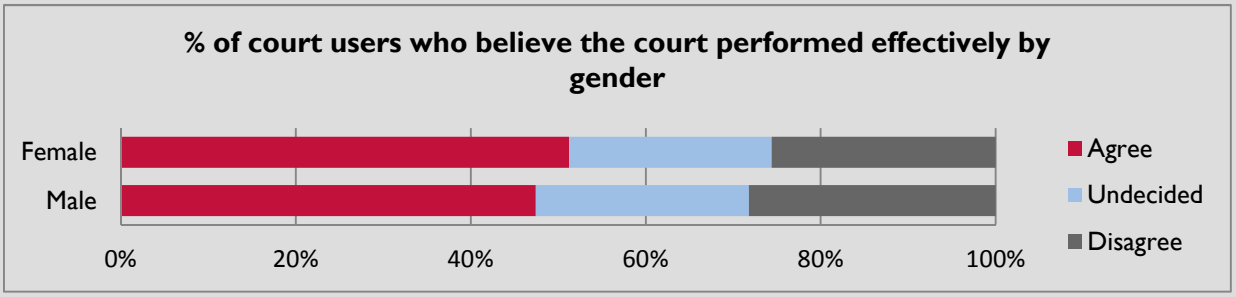
Disaggregated **by Province:**

Province	Agree	Undecided	Disagree
Herat	**78.5%**	13.1%	8.4%
Laghman	**63.8%**	7.2%	29.0%
Badghis	**56.9%**	12.9%	30.2%
Badakhshan	**55.3%**	18.8%	25.9%
Kandahar	**50.7%**	23.9%	25.4%
Nangarhar	**46.9%**	12.5%	40.6%
Panjsher	**40.3%**	33.8%	26.0%
Kabul	**37.7%**	27.2%	35.1%
Helmand	**37.1%**	37.1%	25.7%
Balkh	**12.8%**	56.4%	30.8%

Disaggregated **by Gender:**

51.2% **of female court users agree that a court performed effectively.**

47.4% **of male court users agree that a court performed effectively.**



High Performing Court: Guzara District

Clerks working at the Guzara District Court.

Members of the public using the District Court in Guzara District of Herat Province expressed the highest level of satisfaction of all respondents. **89.2% of court users agreed** the court performed effectively, exceeding the national average of 47.8%.

Anecdotal evidence suggests that the high perception of satisfaction stems from a system of **differentiated case management** at the court and other courts in Herat province. The court established specific days to handle certain case types and rigorously adhered to this system, increasing the **court's efficiency**. For example, the field surveyors visited on days when the court dedicated its resources to family law, traffic and murder cases. A similarly high, 89.7% of court users in Guzara agreed that they **accessed information easily** at the court.

High Performing Court: Mehtar Lam

A judge from Mehtar Lam graduates from a training on anticorruption issues in February 2013.

Court users at the Appellate and Provincial Primary courts in Mehtar Lam of Laghman Province expressed the highest level of satisfaction of respondents using a non-district court. **74.3% of court users agreed** the court performed effectively, exceeding the national average of 47.8%.

The project's monitoring and evaluation (M&E) staff believe the high level of RLS-Formal's assistance to the court contributed to positive perception of court users in Mehtar Lam. RLS-Formal has **trained 16 judges** and **15 court administrators** from the court since 2010. A recent 2011 or 2012 **graduate of the Judicial *Stage***, Afghanistan's induction training program for new judges, also serves with the court.

Underperforming Court: Dihdadi District

A judge from Balkh Province graduates from a gender justice training in July 2013.

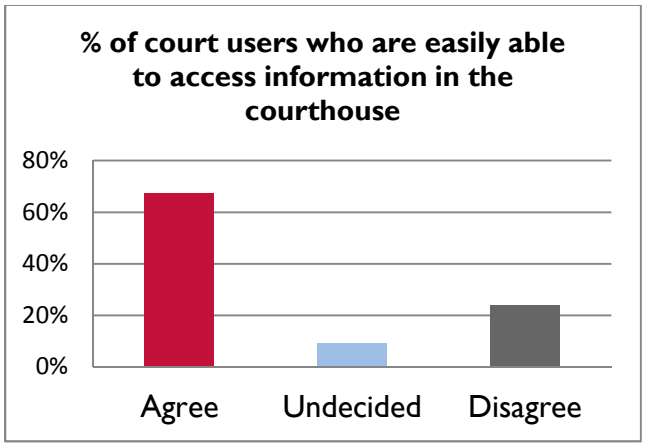
Court users at the District Court in Dihdadi District of Balkh Province expressed the lowest level of satisfaction of all respondents. **4.9% of course users agreed** the court performed effectively, falling well below the national average.

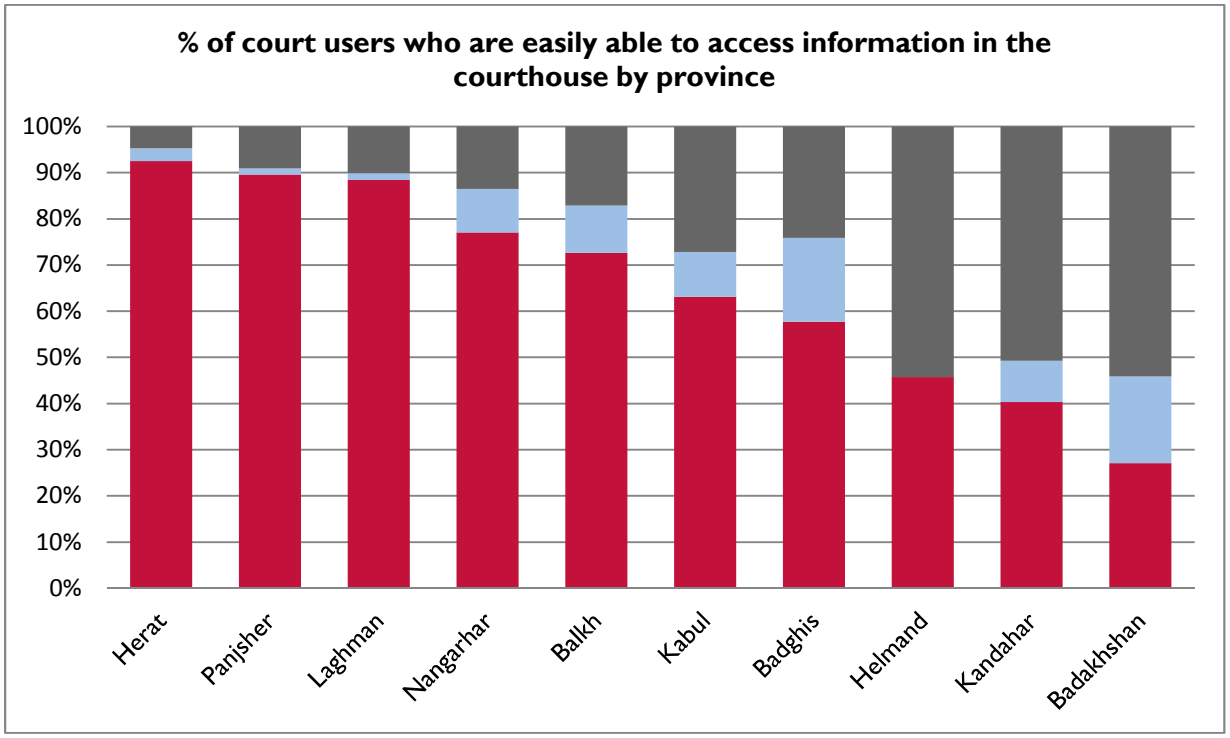
Anecdotal evidence suggests that the security environment and inadequate court space contributed to the low perception of satisfaction amongst court users. **Only 56.1% of court users felt safe** in the court, the lowest of any court surveyed. Moreover, interviews with respondents indicate the courthouse lacked sufficient space to hear cases and maintain records. The court heard **20% of cases in the courtroom**. The rest occurred in another room or the judge's office.

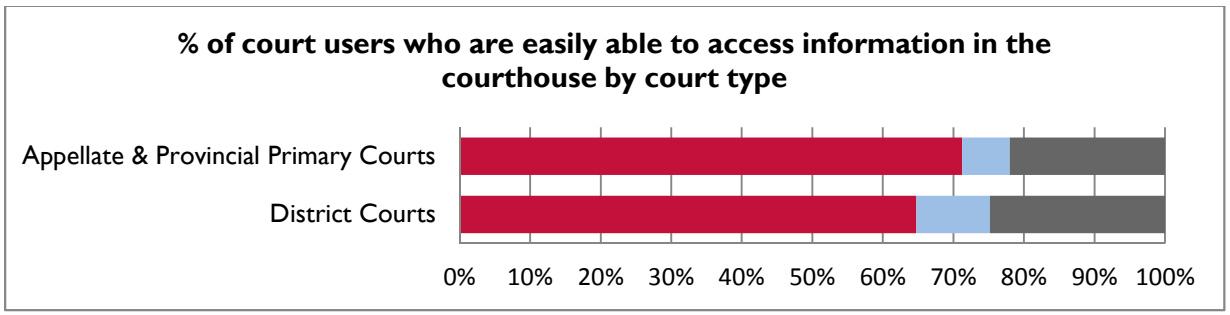
Question 2: ACCESSING INFORMATION IN THE COURTHOUSE

This question captures the court user's perception of the ease of accessing information inside the courthouse.

The field surveyor asks the court user whether they agree, disagree or are undecided with respect to the following statement: "It was easy getting the information I needed when I came to the courthouse."



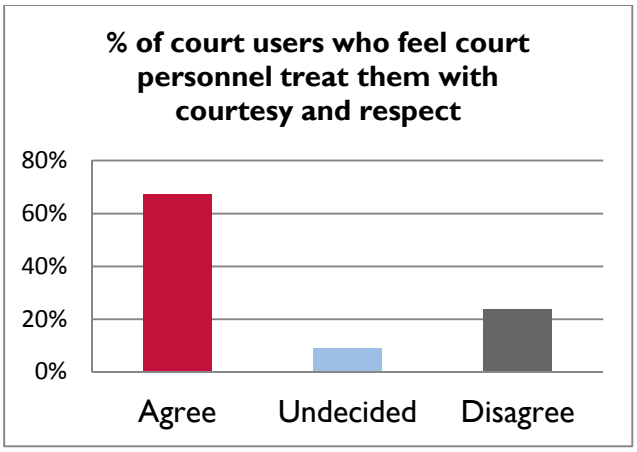


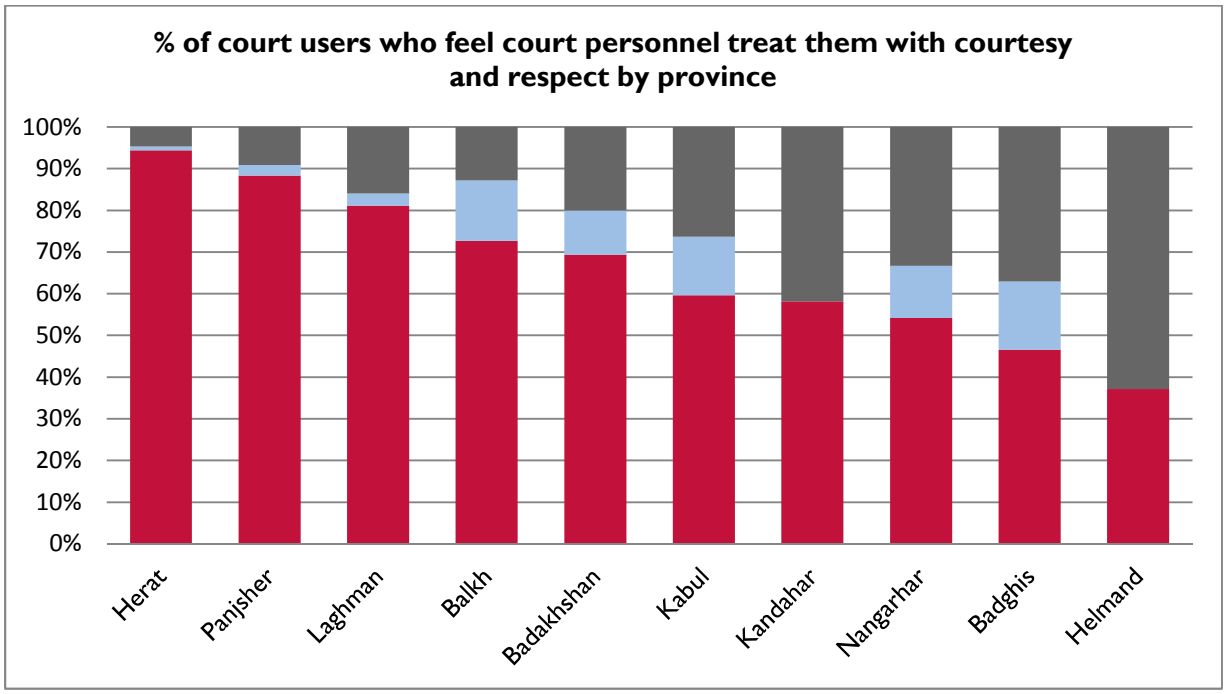


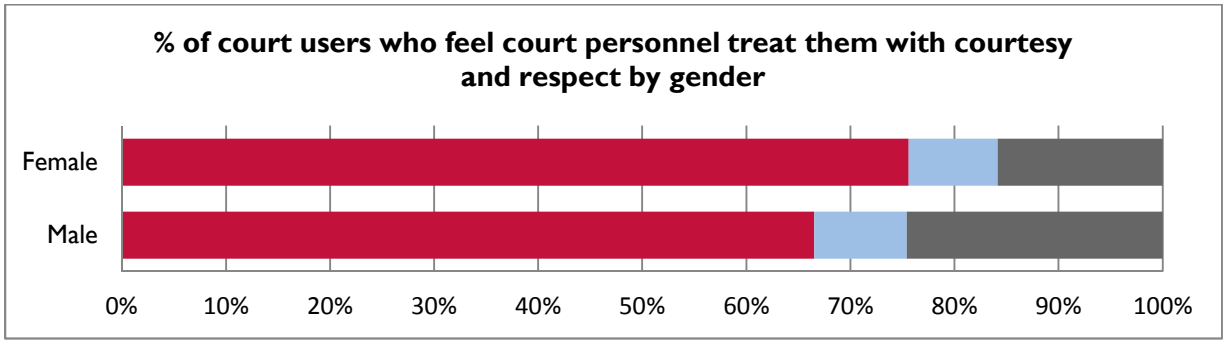
Question 3: TREATMENT BY COURT PERSONNEL

This question represents the court user's impression of their treatment by court clerks, administrators and other personnel.

The field surveyor asks the court user whether they agree, disagree or are undecided with respect to the following statement: "Court personnel treated me with courtesy and respect."



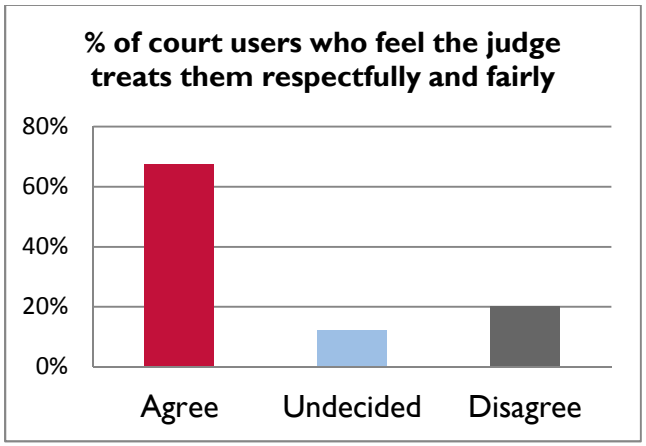


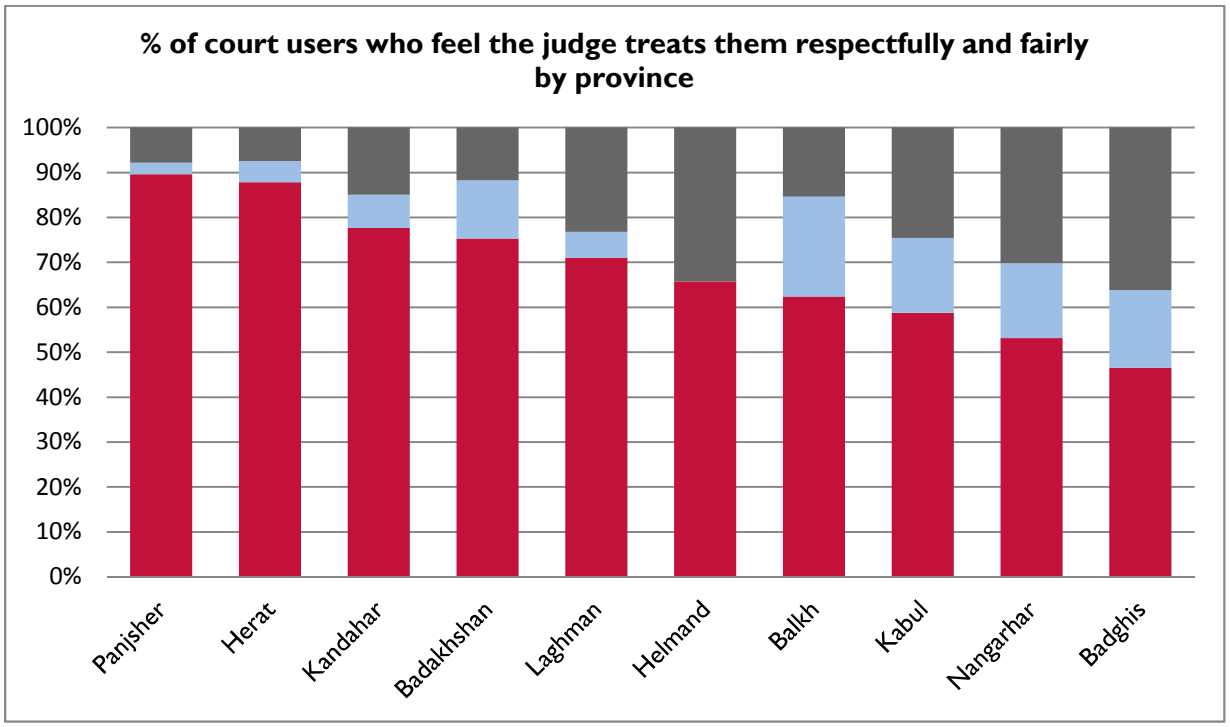


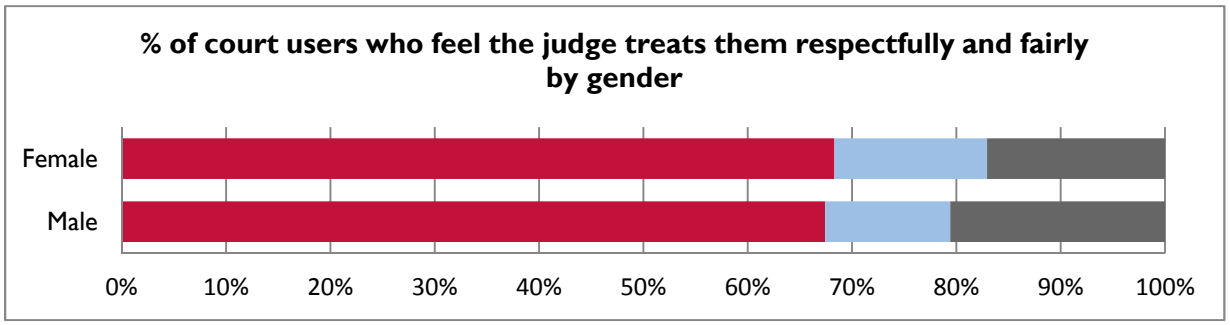
Question 4: TREATMENT BY JUDGES

This question portrays the court user's perception of their treatment by the judge or judges with whom they interact.

The field surveyor asks the court user whether they agree, disagree or are undecided with respect to the following statement: "The judge listened to me and was courteous, respectful and fair."



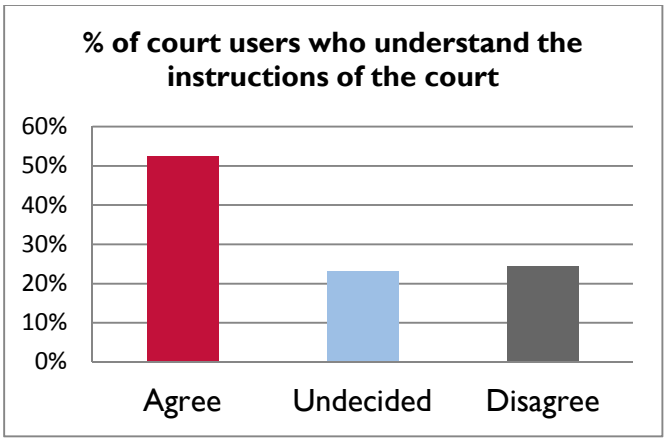


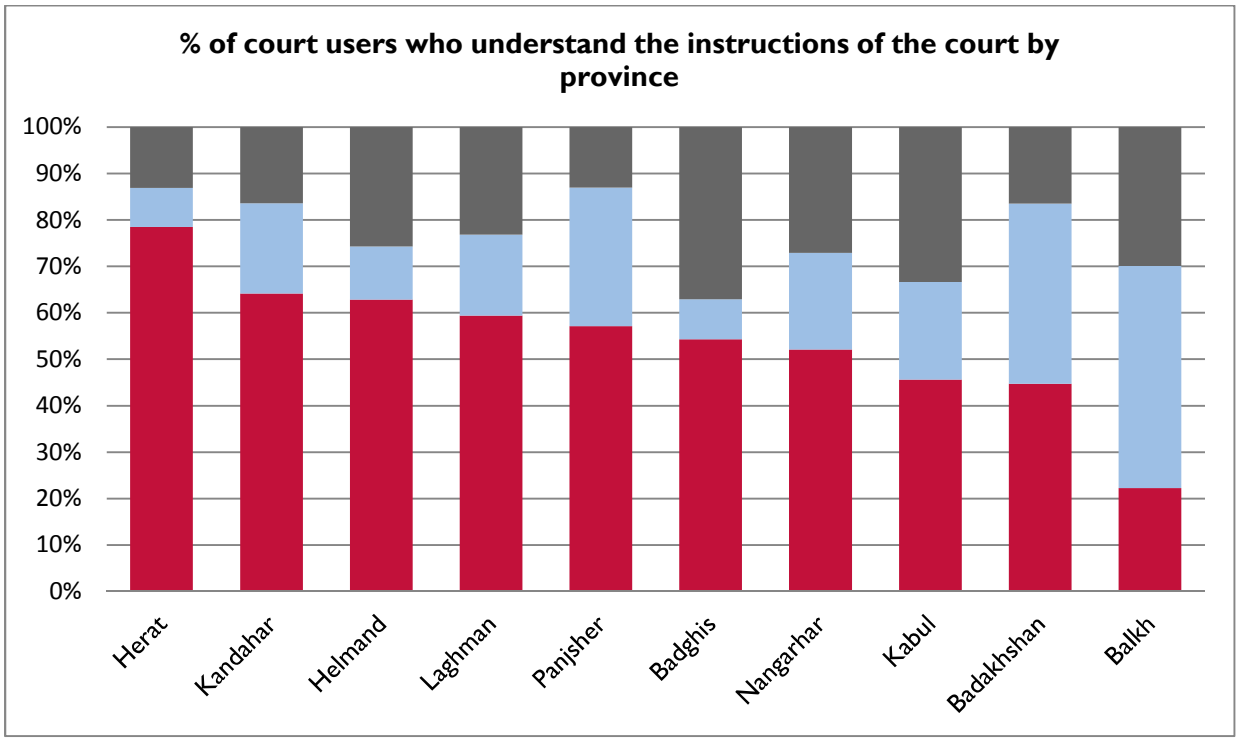


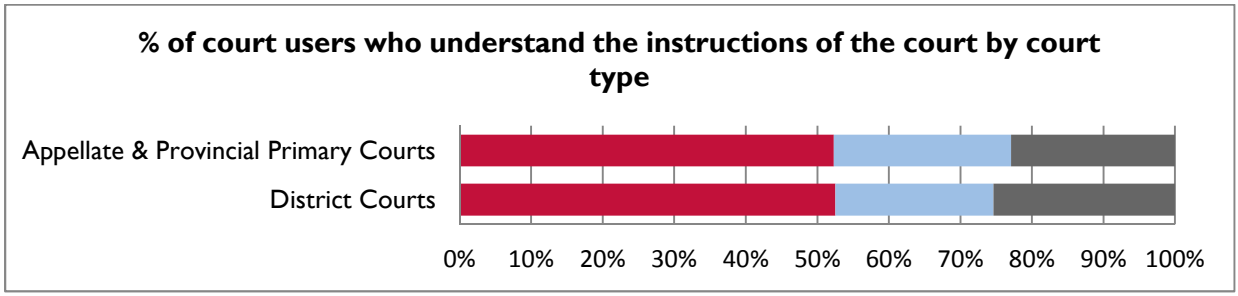
Question 5: COURT INSTRUCTIONS

This question denotes whether the court user understands the court's instructions and the next steps to process his or her case or other issue.

The field surveyor asks the court user whether they agree, disagree or are undecided with respect to the following statement: "The judge listened to me and was courteous, respectful and fair."



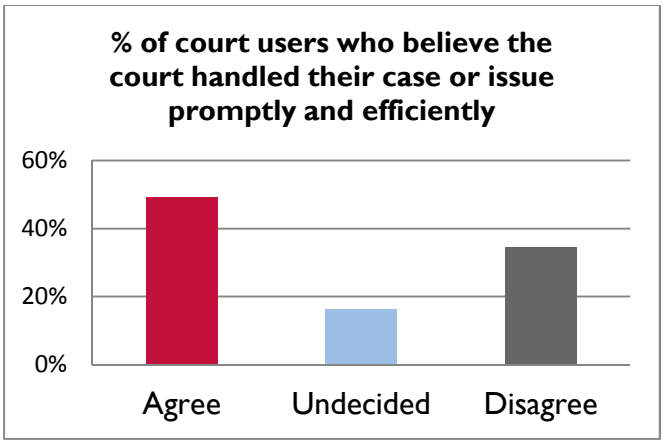


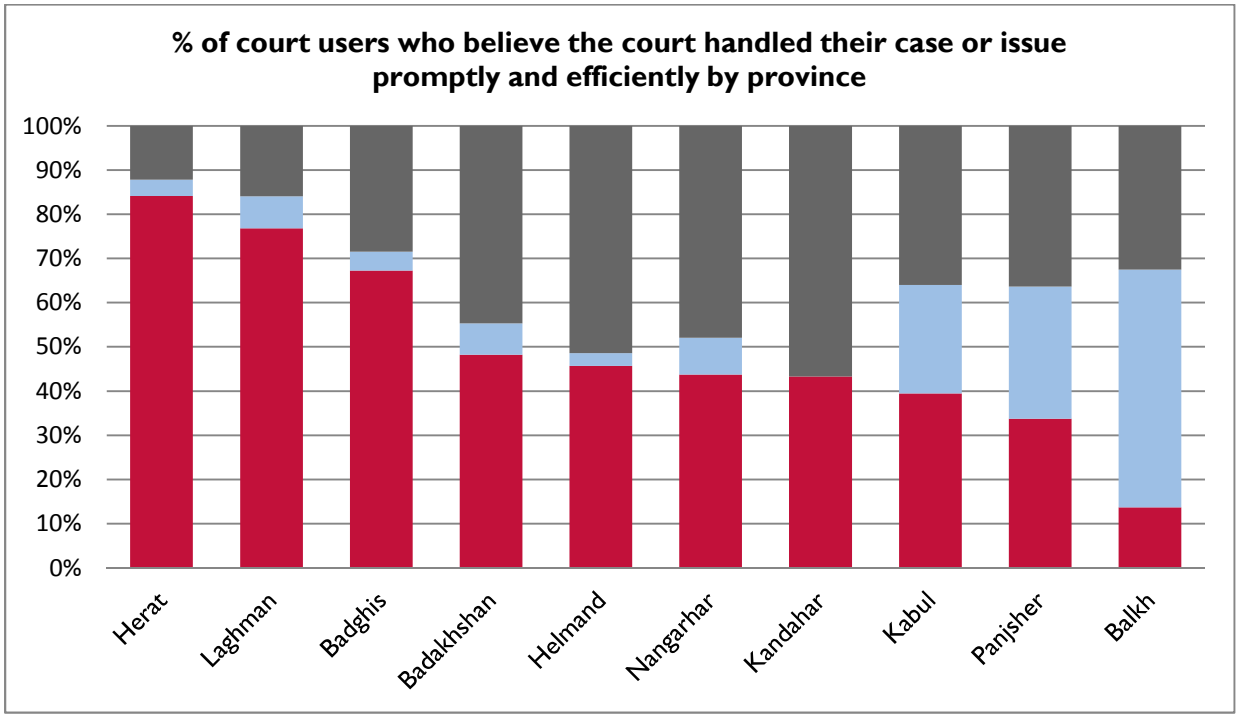


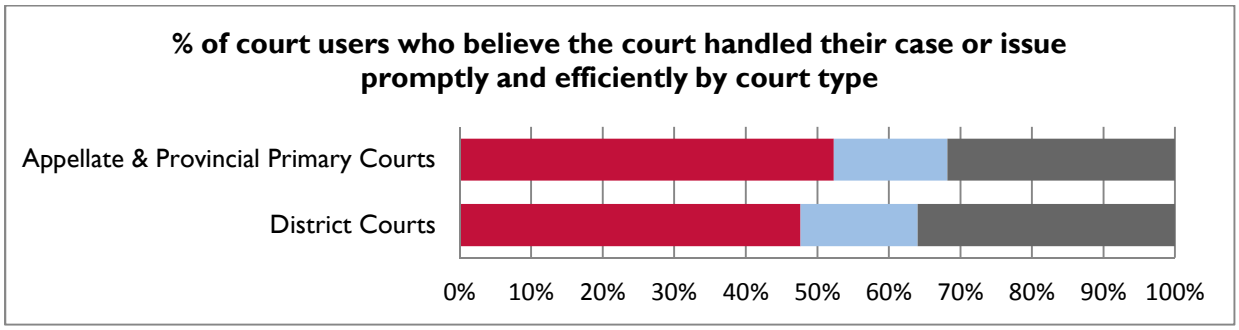
Question 6: COURT EFFICIENCY

This question represents the court user's perception of how efficiently the court handled their case or other issue.

The field surveyor asks the court user whether they agree, disagree or are undecided with respect to the following statement: "My case or other business was handled promptly and in an efficient manner."



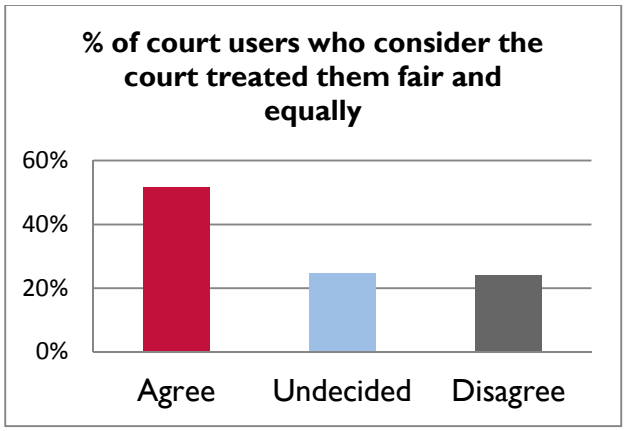


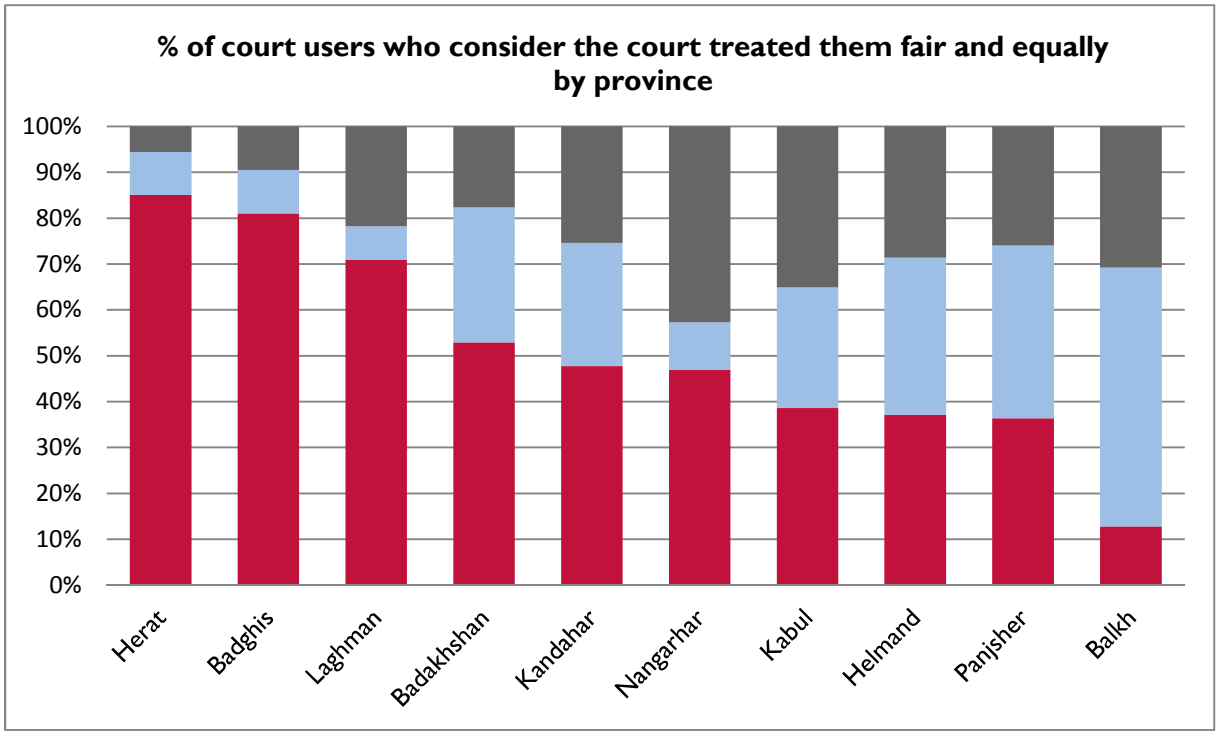


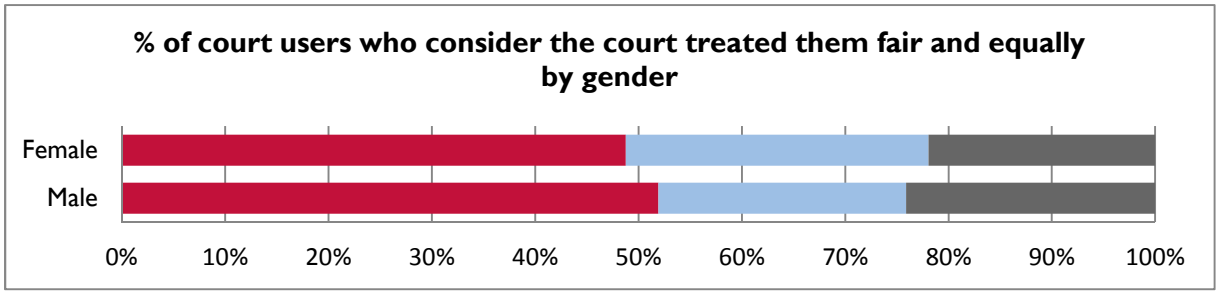
Question 7: FAIR AND EQUAL TREATMENT

This question captures the court user's perception of the treatment they receive by the court in general.

The field surveyor asks the court user whether they agree, disagree or are undecided with respect to the following statement: "I was treated equally and fairly by the court."



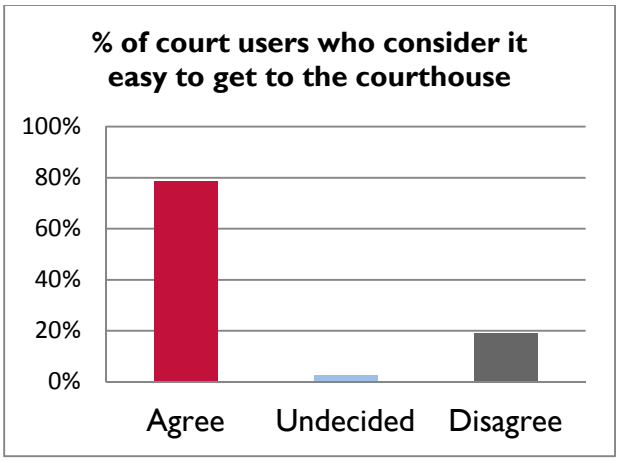


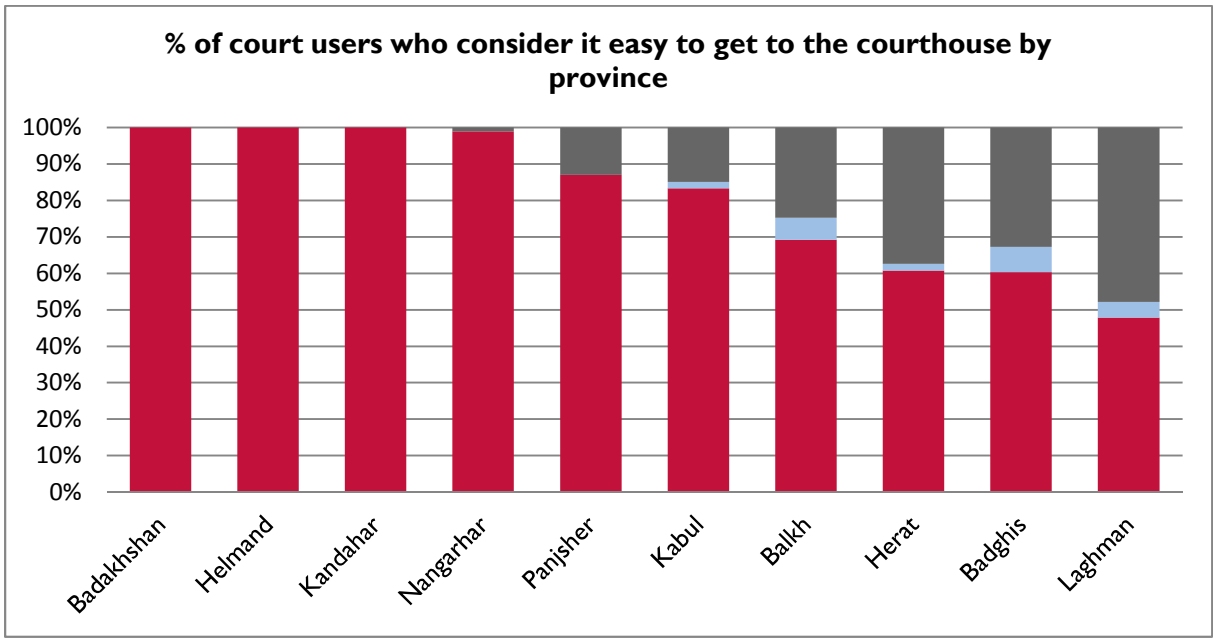


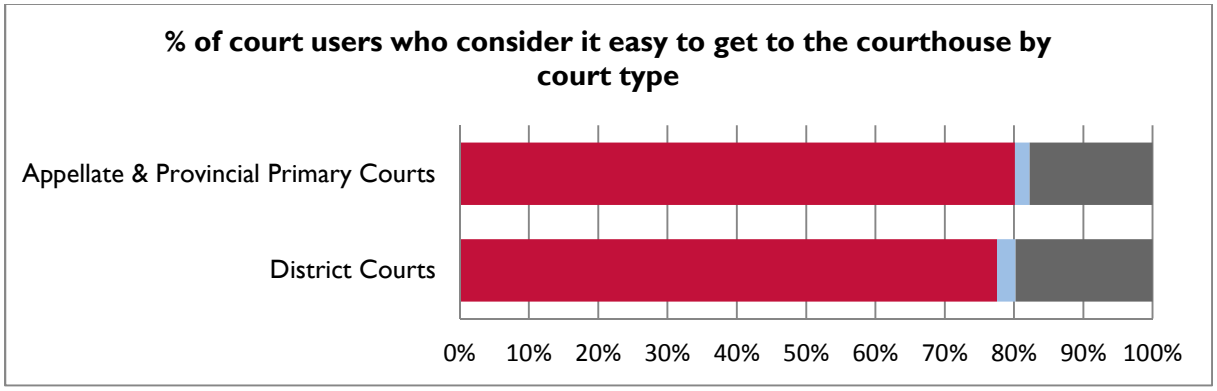
Question 8: GETTING TO THE COURTHOUSE

This question portrays the court user's impression of being able to find and travel to the courthouse.

The field surveyor asks the court user whether they agree, disagree or are undecided with respect to the following statement: "Getting to the courthouse was easy."



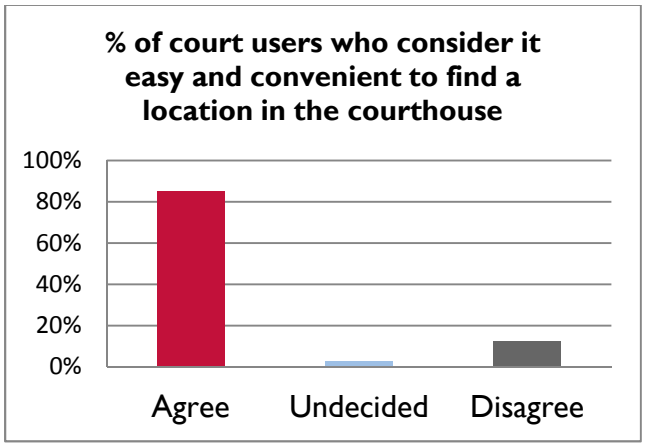


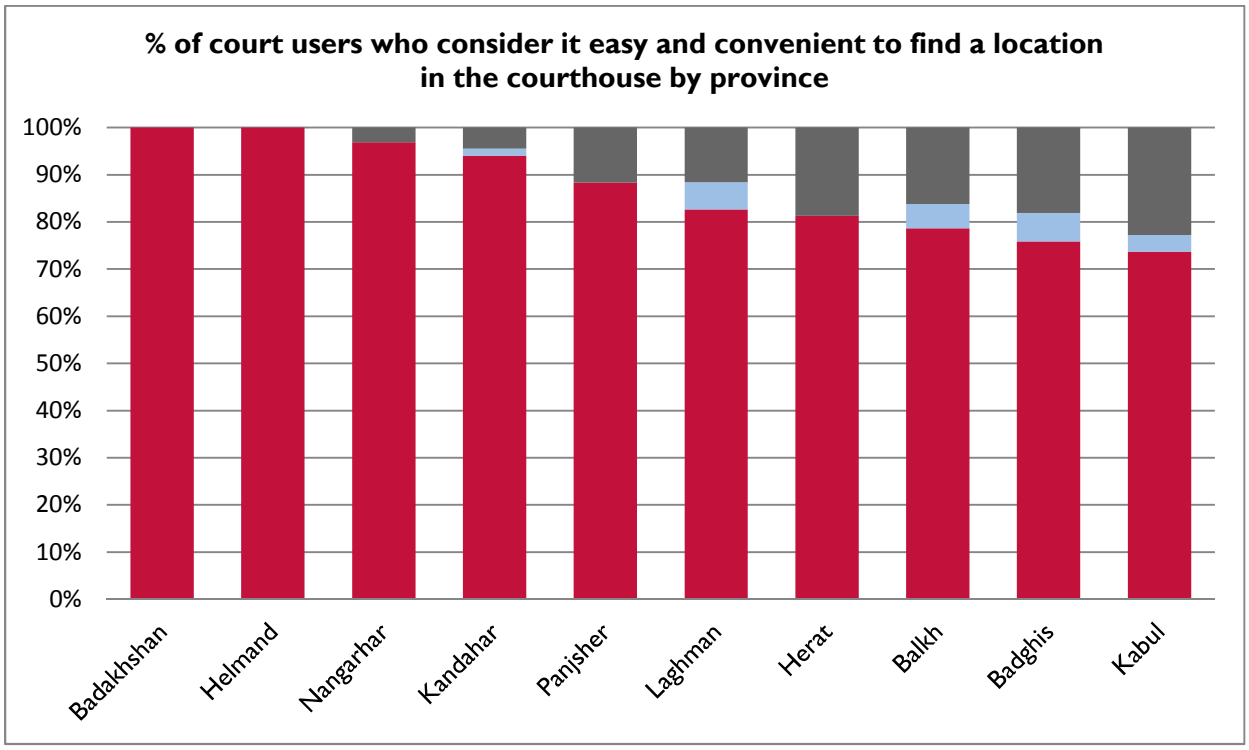


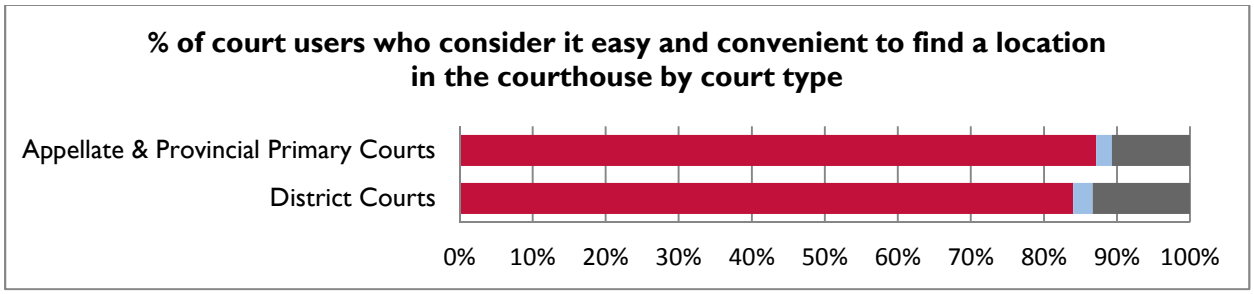
Question 9: LOCATIONS INSIDE THE COURTHOUSE

This question represents the court user's perception of the ease of identifying locations inside the courthouse.

The field surveyor asks the court user whether they agree, disagree or are undecided with respect to the following statement: "Finding where I need to go in the courthouse was easy and convenient."



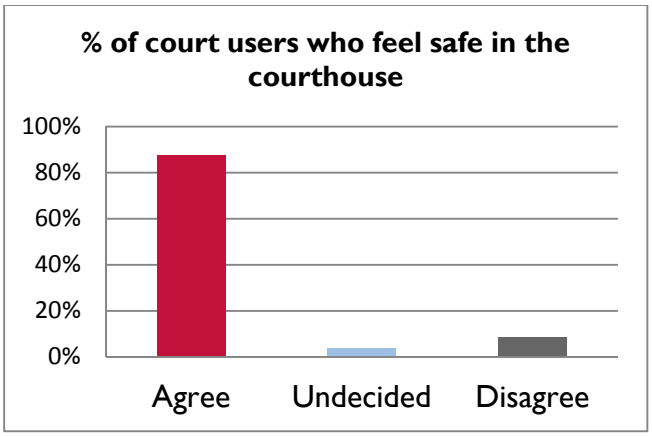


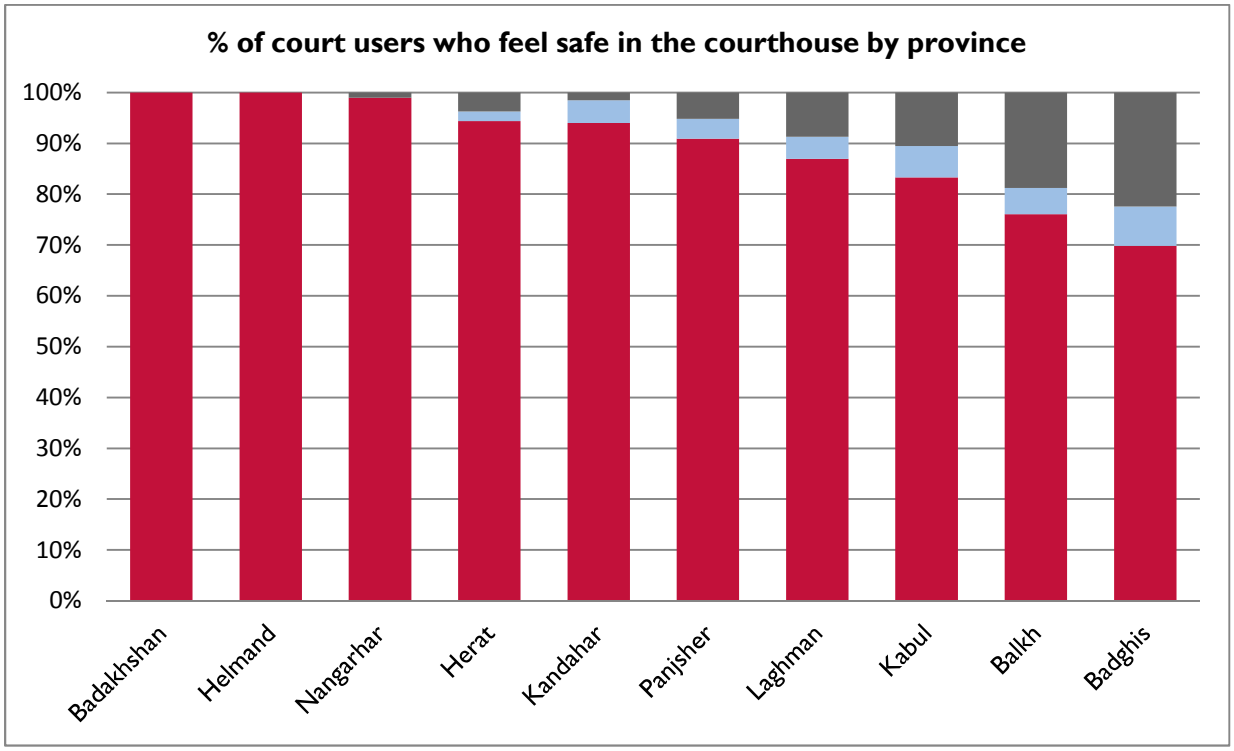


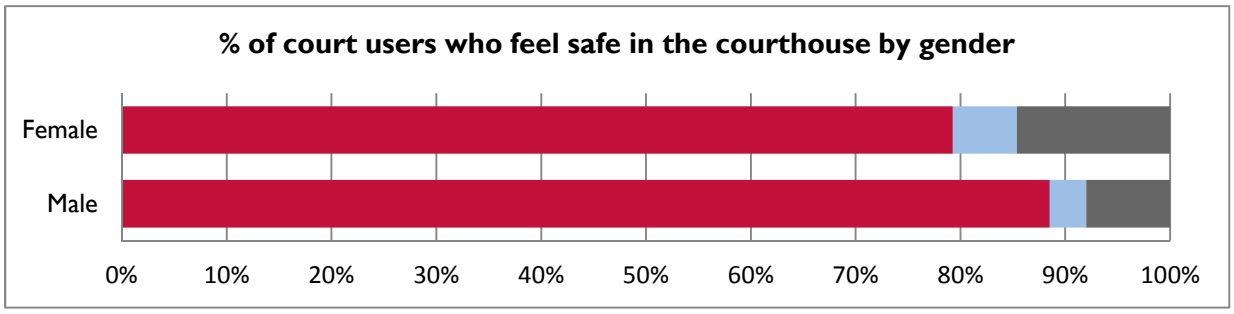
Question 10: SAFETY AT THE COURTHOUSE

This question demonstrates the court user's impression of the security environment inside the courthouse.

The field surveyor asks the court user whether they agree, disagree or are undecided with respect to the following statement: "I felt safe in the courthouse."







ANALYSIS

PROJECT IMPACT

The results of the court user survey affirm that USAID and RLS-Formal are increasing public confidence in the formal rule of law system based on the perceptions of court users.

RESULTS

A court user is more likely to agree that a court performs well if RLS-Formal trains administrators at the court; if a recent *Stage* graduate serves at the court; or, if RLS-formal trains judges at the court.

A court that receives equipment from the project or has a project staff embedded at the court does not perform differently than the average court.

RLS-Formal garnered these results through a statistical analysis technique known as binomial logistics regression. The following prediction model illustrates these findings.

STATISTICAL MODEL

Whether a member of the public uses a courthouse impacted by RLS-Formal's activities accurately predicts whether he or she will agree that the "the court performed effectively."

Primary Impact

A court user at a courthouse where RLS-Formal trained court administrators is **179 percent** more likely than the average court user to say the court performed effectively.

Secondary Impact

A court user at a courthouse where a recent *Stage* graduate serves is **60 percent** more likely than the average court user to say the court performed effectively.

Tertiary Impact

A court user at a courthouse where RLS-Formal trained judges is **49 percent** more likely than the average court user to say the court performed effectively.

Project Impact	
Odds ratio of a court user agreeing "The court performed effectively"	**If the court has…**
2.79 *	Court administrators trained by RLS-Formal
1.60 **	A recent *Stage* graduate
1.49 ***	Judges trained by RLS-Formal
-	Equipment donated by RLS-Formal
-	An embedded RLS-Formal staff member

* Statistically significant at the 1% level. ** At the 5% level. *** At a greater than 5% level.

The odds ratios in the table above represent a model with strong explanatory power. The odds ratio is best understood as the pay-off, or multiplicative change, of a court user using a courthouse impacted by RLS-Formal's activities.

The activities with the strongest pay-off to improve the perception of court users are: if RLS-Formal trains court administrators at the court; if a recent *Stage* graduate serves at the court; or, if RLS-formal trains sitting judges at the court.

The model did not detect a change in the views of court users if a court receives equipment from the project or has an embedded staff. Independently, these covariates generate odds ratios; however, the other more predictive covariates subsume this impact when the model tests them all at once.

VARIABLES

This model characterizes the project's activities in terms of five covariates and measures their impact on a court user's perceptions, the dependent variable.

The five key project activities that constitute the covariates are: training court administrators on new court management systems; if a graduate from the 2011 or 2012 classes of the Judicial *Stage*, Afghanistan's induction training program for new judges, serves at the court; training sitting judges on continuing legal education or anti-corruption issues; providing computers and office equipment; and, embedding a project staff at a courthouse.

The dependent variable in the model is a court user's response to the statement: "Overall, I think the court performed effectively. Court users respond using a Likert rating scale (Strongly Disagree, Disagree, Undecided, Agree, Strongly Agree). The project grouped responses into "Agree" (Agree and Strongly Agree) or "Disagree or Undecided" (Strongly Disagree, Disagree and Undecided).

The dependent variable is also Performance Indicator 1 from the project's PMP. The indicator measures RLS-Formal impact towards USAID/Afghanistan Sub-Intermediate Result 1.1.1: Formal Rule of Law System improved. USAID/Afghanistan's PMP and the project's Contract mandate RLS-Formal achieve Sub-Intermediate Result 1.1.1.

Survey Results in Action

Court clerks are the public's first point of contact with the justice system. Recognizing that first impressions are lasting impressions, the Supreme Court of Afghanistan proposed an initiative to improve its public image by **providing better customer service** to its court users in the form professional clerks.

On July 1, 2013, in partnership with RLS-Formal, the Supreme Court commenced the **first-ever professional training** program for court clerks. The four-month program, known as the Administrative *Stage*, enrolled 30 of the nation's clerks in the charter class. The clerks will receive training on how to interact with citizens who come to court, the code of ethics, and how to use case management systems.

Judge Sangary commences the Administrative Stage.

At the opening ceremony, Judge Sangary, Head of the Counter Narcotics Court, explained the importance of clerks: "Court clerks play **vital roles in ensuring justice** in Afghanistan, and for this purpose, they need the best skills and practical experiences. This course has been designed to raise their qualifications contribute to the public's trust in the rule of law."

SIGNIFICANT FINDINGS

The survey highlighted the importance of court administration and the swift delivery of justice on a court user's perception of a court's performance.

COURT ADMINISTRATION

The court user survey affirms the importance of court administrators and court management systems for increasing public confidence in the rule of law in Afghanistan.

In this regard, training court administrators proved the most impactful of RLS-Formal's activities. Members of the public using courthouses where RLS-Formal trained court staff believed the court performed more effectively than courts where the project did not train staff. See the previous section.

Court user opinions about court performance closely correspond to their opinions about case management, access to information and court instructions. For example, if a member of the public believes a court performs effective, he or she is more likely to also think the court handled their case effectively and provided clear instructions.

If a court user believes a court performed effectively, he or she…	
Likely thinks the court:	**Likely cares less about:**
Processed their case or issue efficiently	The court's layout
Provided clear instructions	The safety of the court
Provided access to information	The demeanor of the judge
Treated them fairly and equitably	The demeanor of the court staff
Was easy to travel to	

JUSTICE DELIVERY

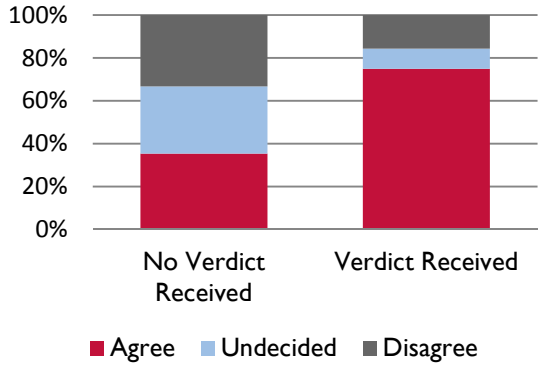
The adage of "justice delayed is justice denied" strongly applies to the views of court users in Afghanistan.

Key Finding

Court users are more likely to believe a court performed effectively if they receive a verdict in their case.

This finding is unlikely to occur by chance and is statistically significant at the 1% level.

% of court users who believe the court performed effectively by whether they recevie a verdict



This finding applies to court users regardless if they agree with their verdict or not, according to anecdotal evidence collected by field surveyors at courthouses.

DOING IT RIGHT

SURVEY METHODOLOGY

The survey interviewed 935 court users at 16 District Courts and 10 Appellate and Provincial Primary Courts in 10 provinces across Afghanistan. The project relied on several strategies to secure the approval of each court to survey. No court denied permission.

SAMPLE SIZE

RLS-Formal determined 935 court users constituted a representative sample size through deduction. No accurate figure exists of the number of court users in Afghanistan. Estimates are almost nonexistent. The lack of an accurate population complicated determining a representative sample size.

RLS-Formal began by determining the overall population of the surveyed provinces. The project used the 2012-2013 estimates from Afghanistan's Central Statistics Office as a source, since Afghanistan lacks a recent official census.

The project then applied the approximation that 80% of people use the informal justice system and 20% use the formal justice system. Rule of law practitioners in Afghanistan commonly cite this figure which likely originates from the fact that 80% of the population lives in rural areas where the formal justice system is thought to be weak or nonexistent (Wardak, Ali. "Building a post-war justice system in Afghanistan", *Crime, Law & Social Change*, 41: 319-341; 2004).

RLS-Formal selected a confidence interval of plus or minus 5%, which is considered sufficient given its level of funding, personnel and other resources. The confidence interval tells the project how well the sample estimate predicts the population.

RLS-Formal selects a confidence level of 95% following the industry standard for international development. The confidence interval tells the project how certain it can be of the survey results.

Sample Size Calculation	
Badakhshan	904,700
Badghis	471,900
Balkh	1,245,100
Helmand	879,500
Herat	1,780,000
Kabul	3,950,300
Kandahar	1,151,100
Laghman	424,100
Nangarhar	1,436,000
Panjsher	146,100
Total	12,388,800
20% of the total population use the formal justice system (20% x 12,388,800)	
Population of Court Users	2,477,760
$ss = \frac{Z^2 * p * (1-p)}{C^2}$ Z = Z value (e.g. 1.96 for 95% confidence level) P = percentage picking a choice, expressed as decimal (0.5 used for sample size needed) C = confidence interval, expressed as decimal (e.g. 0.04 = ±4)	
+/- 5% confidence interval	
95% confidence level	
Representative Sample Size of Court Users	**385**

The estimated population of court users in the ten surveyed provinces of 2,477,760, a plus or minus 5% confidence interval and a 95% confidence level established 385 court users as the minimum representative sample size for the survey. RLS-Formal exceeded this target sample size and attained 935 respondents in total.

SAMPLE STRUCTURE

The court user survey samples members of the public who use the formal court system in Afghanistan. Users may be litigants, attorneys, witnesses, family members of litigants, or citizens seeking information at the court. The project implemented the survey between June 1 and August 5, 2013; and, intends to implement a second phase between November 1 and December 31, 2013.

The project selected two provinces by region (Center, East, South, West and North). In each province, project staff chose the appellate court and provincial primary courts in the capital and two district courts outside the capital.

The appellate court and provincial primary courts are typically housed in one location and handle the majority of cases in a province. This enables field surveyors to access significant data from a single sample point. The single sampling point also gives the surveyors access to court users at multiple divisions, and in some cases, additional specialized courts.

Typically appellate courts and provincial primary courts contain civil, criminal and public security divisions. Those in Balkh, Herat, Kabul, Kandahar, and Nangarhar contain additional divisions, including traffic, public rights, commercial and juvenile divisions. Specialized courts for anti-corruption, counternarcotic and family law are present in larger provinces. In Kabul, the field surveyors visited the District 2 courthouse which contains the urban courts for the four zones of the city.

Province	District	Court Name
Badakhshan	Argo	District
Badakhshan	Faizabad	Appellate & Provincial Primary
Badakhshan	Kisham	District
Badghis	Qala-e-Naw	Appellate & Provincial Primary
Badghis	Muqur	District
Badghis	Qadis	District
Balkh	Balkh	District
Balkh	Dihdadi	District
Balkh	Mazar-e-Sharif	Appellate & Provincial Primary
Helmand	Lashkar Gah	Appellate & Provincial Primary
Herat	Guzara	District
Herat	Herat	Appellate & Provincial Primary
Herat	Injil	District
Kabul	District 2	Appellate & Provincial Primary
Kabul	Farza	District
Kabul	Kalaka	District
Kandahar	Arghandab	District
Kandahar	Daman	District
Kandahar	Kandahar	Appellate & Provincial Primary
Laghman	Mehtar Lam	Appellate & Provincial Primary
Laghman	Qarghaye	District
Nangarhar	Jalalabad	Appellate & Provincial Primary
Nangarhar	Kama	District
Nangarhar	Surkhrod	District
Panjsher	Bazarak	Appellate & Provincial Primary
Panjsher	Aonaba	District

PERMISSION TO SURVEY

The project's M&E staff secured permission to conduct the survey at each courthouse. No court denied permission to survey. Typically, the M&E Director met with the chief judge at the appellate court to secure approval for specialists and field surveyors to interview court users. District courts agreed upon being notified by the appellate court.

In certain cases, courts required additional approaches before granting approval. Judges expressed concern that the survey results would compromise their careers and reviewed the questionnaire frequently. Courts became reluctant to allow the survey after Transparency International released its Corruptions Perceptions Index for Afghanistan in July. M&E staff responded by leveraging the project's embedded regional advisors, patiently answering questions and providing references for their work. Please see the text boxes for examples.

In January 2013, RLS-Formal requested permission from the Supreme Court to conduct the court user survey. The Supreme Court did not respond to the project's written request. Notwithstanding, RLS-Formal informed the Supreme Court of its intention to conduct the survey and proceeded, when it did raise objections during the design and implementation stages.

Upon securing permission to conduct the survey, M&E staff worked with judges and staff to map out the location most frequently trafficked by court users at the courthouse. Field surveyors used this as the primary sampling point. On a day when the court schedules trials, they interviewed members of the public passing through the sampling point after they used the court, randomly to the extent possible. The surveyors attempted to interview as many court users as time permitted.

Survey Strategies

In **Kisham District of Badakhshan** Province, the chief judge of the district primary court required two days of persuasion before allowing the survey. M&E staff politely answered questions as well as socialized with the newly arrived judge from Nangarhar Province in order to convince him of the survey's benefits.

The entrance to the Kisham District Court.

At the Appellate and Provincial Primary Courts in **Lashkar Gah in Helmand** Province, the project's Senior M&E Specialist testified at a security committee before the court agreed he posed no threat and allowed the survey. He swayed the committee by referring to the RLS-Formal's past history of assistance to the court.

A plaque commemorating USAID's support for the newly renovated courthouse in Lashkar Gah.

In **Mehtar Lam District of Laghman** Province and **Guzara District of Herat**, the project's M&E Director persuaded the courts by asserting that the survey will more accurately capture the positive aspects of a court than a survey of the public who had not used a court. He employed a pilot survey of random members of the public to prove this.

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