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ASSISTANCE TO LEGISLATIVE BODIES OF AFGHANISTAN

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“LISTEN TO THE VOICE OF THE PEOPLE”:
AFGHAN PERSPECTIVES ON LEGISLATIVE BODIES, ACCESS
TO INFORMATION, AND PROTECTING WOMEN’S RIGHTS

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INTRODUCTION

“I would tell them (the Members of Parliament) to listen to the voice of people and they should not focus on their personal interest alone” Older man, Kabul.

The Afghan experience with parliamentary democracy has been brief and turbulent. A dynamic parliamentary democracy existed under King Zahir Shah’s government in the 1960’s and 1970’s. However, for the 30 subsequent years, parliament democracy completely disappeared from the Afghan political landscape. The Afghan experience with parliamentary democracy has been brief and turbulent. After the fall of the Taliban, in 2003 the interim government led by President Hamid Karzai organized a Loya Jirga that approved a new constitution, providing for a bicameral parliament.

The process of creating an entirely new parliamentary body in a conflict-ridden country with few people with any legislative knowledge or experience was extremely challenging. Consequently, the United States Agency for International Development (USAID) instituted a series of legislative strengthening programs, culminating, in 2012, with the Assistance to Legislative Bodies (ALBA) Program, administered by Development Alternatives Incorporated (DAI). Work under ALBA is designed to “support the development of the Afghan Parliament to enable it to operate as an effective legislative, representative and oversight body.”

Beyond citizen’s relationship to parliament itself, the body confronts many contentious issues, including access to information and women’s rights. The Access to Information (ATI) law will make it possible for citizens, civil society groups and the media to request different types of information from the government. The presidential Elimination of Violence Against Women (EVAW) decree lists 22 different violent acts against women and provides for punishments for those who commit these acts of violence. Efforts to have the decree ratified as law by Parliament have been frustrated by conservatives who consider some provisions un-Islamic.

In order to explore perceptions of parliament and the provincial councils, as well public opinion toward these laws so that it could be taken into account by the Parliament, Charney Research conducted 12 focus groups and 12 in-depth interviews (IDIs) in Afghanistan from March 18 to 28, 2015 for DAI.

The groups included, separately, Afghan citizens from three cities and surrounding areas (Kabul, Kandahar, and Mazar-i-Sharif), sexes, 16-35 year olds and people over 35. The in-depth interviews were conducted with journalists (3), religious scholars working at universities (3), and representatives from civil society organizations (CSOs) that treat women’s issues (6).¹

¹ We tailored the in-depth interview questions to the individual’s professional orientation. Specifically, we discussed access to information and the ATI law only with the CSOs and journalists (and not with the religious scholars), and we discussed the EVAW law only with CSOs and religious scholars (and not with journalists). We asked the focus groups about both.

The research showed that Afghans are eager for progress to be made on many fronts. Economic stagnation, widespread insecurity and little progress towards peace, a troubled education system, and nepotism and corruption are the main issues that concern participants at present. In Mazar, worries about street crime have eclipsed fears about terrorism due to fewer incidents of terrorism as well as increased banditry and vandalism.

Feelings of frustration and cynicism toward President Ashraf Ghani's government, elected last year, are strong. Many are unimpressed with the new government and worry that the two-headed power-sharing government structure is a recipe for conflict and paralysis. The participants' views of Parliament and the Provincial Councils are mostly negative: self-interested, corrupt and unqualified. Only those with connections and money prosper, they claim.

There is broad support for both the ATI and the EAW Laws but skepticism about their enforcement. Views about polygamy and the court system are polarized and opinions about domestic violence are mixed. However, attitudes about underage marriage and *baad* are consistently negative, marking important breaks with tradition. These findings give the lie to the stereotype of Afghanistan as a place with fixed, traditional, and ultra-conservative attitudes hostile to any change.

To capture public respect, members of parliament need to reach out to their constituents, help with their problems via constituency service, publicly oversee the administration, and address the issues that concern the public.

People will need to be persuaded that the ATI and EAW Laws will be enforced. Since they are already on board with prohibitions against underage marriage and *baad*, more attention can be focused on discussion of polygamy and domestic violence.

We're pleased to share the views of citizens with DAI and USAID as they work to build the capacity of the Parliament to function as effective representatives of the Afghan people.

Craig Charney and Andrea Levy
Charney Research
May 2015

EXECUTIVE SUMMARY

Mood

Participants are discouraged by conflict between President Ashraf Ghani and Chief Executive Abdullah Adbullah, which they see as a recipe for stagnation. They are frustrated by the long delay in forming a new Cabinet. (At the end of the fieldwork for this project, the President appointed 16 Cabinet members, who may have a positive impact on public attitudes.)

Their top concerns are: a sluggish economy, countrywide insecurity, a limping peace process, nepotism and corruption, and a troubled education system.

- Participants regret that unemployment forces youth to emigrate in search of work or to look to the insurgency for a livelihood. They place some blame on clientelism and nepotism, as government jobs and scholarships go to those with connections.
- Many group members point to insecurity across the country, both terrorism and banditry, as a major impediment to progress on most other fronts, and want government to prioritize the peace process.
- Insecurity continues to afflict Kabul and Kandahar residents. Townspeople are more likely to complain about street crime than terrorism, due to the rarity of terrorist incidents in the cities as well as increasing crime and vandalism. In contrast, most residents in Mazar have seen real improvements in security in their town, although they are concerned about security in the rural areas.
- Participants lament corruption in government – the bribes that grease the system at all levels.

Other issues for government to tackle included women's rights, education and electricity.

There are, nevertheless, a couple of areas of improvement in the country that participants identify:

- Wider access to education
- President Ghani's efforts to improve foreign relations and peace prospects.

Some participants express a general sense of hope for the future in spite of the current challenges.

Views of Legislative Bodies

Most participants are able to name at least some of the Members of Parliament (MPs) and Provincial Council Members (MPCs) from their province, and most understand the

function of each of the legislative bodies. Many could identify at least one of the issues Parliament was working on (though this was less true of women in the focus groups).

Their attitudes toward the MPs and MPCs are mostly negative. Participants accuse them of seeking office only to enrich themselves and their dependents.

- They complain that these legislators visit their districts only before elections, make promises that remain unfulfilled, and are never heard from again.
- Participants gave a litany of complaints about the MPs and MPCs. They included allegations of graft, a lack of education and training, and luxurious lifestyles among legislators.
- Participants are particularly scathing about the patronage system, where friends, relatives, and supporters of legislators are rewarded with jobs or scholarships.

A few of the focus group and IDI participants have more positive feelings toward their MPs. Only in Mazar are some participants more favorable towards their MPCs.

Access to Legislators

Some focus group members had sought help with problems from MPs, but few reported success.

- Common complaints are that MPs actively avoid being available to their constituents, will only help family members and friends, and don't visit their districts.
- Some say MPs will help only when offered a bribe. A few cited cases where they were asked for a bribe in exchange for help from an MP.

Of those who have requested assistance from an MPC, few relay a satisfactory outcome.

- In Mazar, in contrast, where the provincial council was more popular, focus group members praised certain MPCs for constituent service efforts.

IDI participants reported more success in receiving help from MPs.

There is a strong desire for regular contact with legislators.

- Many focus group participants said MPs should schedule regular visits to their district and meet constituents where they normally gather, as at mosques. Most want personal contact with their MPs in a group setting.
- Some would prefer one-to-one contact, preferably in person or even by phone, for the sake of privacy.

- IDI participants – CSO members and journalists – prefer one-to-one contact with an MP either in person, by phone, or through the Internet.

The Access to Information (ATI) Law

A few focus group participants report having sought out information in the course of their work from either the central or provincial government (or mention that someone they know has tried to do so). Few said they succeeded.

Similarly, among the IDI respondents, all of the journalists and the one CSO representative with this experience reported difficulty in receiving information requested from the government.

Most focus group members were not aware of the proposed ATI law. However, all IDI respondents were familiar with it.

There is broad support among all participants for the law in principle, with CSO participants expressing particular eagerness for it to be passed.

Among focus group participants, support for the law is eclipsed by skepticism about its impact.

- Those who have asked officials for information met resistance doubt it will help.
- Some say that officials will try to avoid divulging any information, particularly if detrimental.
- Others are dubious they can even contact government officials, let alone get information from them.
- Some fear retaliation, even murder, if they uncover negative information about an official.
- Others assert that only citizens who bribe officials will be able to procure the information they want.

IDI participants split over the law's likely impact.

- Skeptics have faced resistance in the past when requesting information and note the ATI law lacks an enforcement mechanism.
- The more optimistic participants have seen some improvement in their ability to gain access to government information or have not yet attempted to do so.

Women's Rights And The Elimination Of Violence Among Women (EVAW) Law

Most women and many men agree that women face significant obstacles in Afghan society, particularly in conservative, tradition-bound rural areas. (Most agree that urban women have an easier time.) Although women acknowledge that Afghan culture is the

root of the problem, most feel that government has not done enough to address the needs of women.

Men are more likely to say the government has done a lot so far for women, even if not enough.

Most focus group members were unaware of the EAW law. In contrast, all the IDI participants from CSOs were familiar with it and know that it has yet to be enacted by Parliament. Some had been active trying to get it passed.

- Most of the focus group participants, both men and women, support the law. They are aware of certain unjust practices, such as *baad* and forced marriage.
- Significantly, in the IDIs, the religious scholars as well as the CSO representatives support the EAW law, noting its importance for protecting women's rights.
- A few focus group participants say the law is unnecessary because Islamic law already prohibits acts of violence against women. However, even among those who hold this view, some (principally women) say men do not abide by its tenets.
- Some men fear that the EAW law will emancipate women in ways that reflect Western values and are inconsistent with Afghan traditions, by allowing them too much exposure in society.

In the focus groups, all the women (and some men) say that Islamic law is not heeded now. CSO representatives and some women worry that, because Afghan society is so conservative, men will not obey the EAW law. They maintain, however, that an awareness campaign among women and men about the law can have a positive impact.

Polygamy and the Courts

There was no consensus among the focus group participants on the role of the courts in polygamy cases, nor were there clear divisions according to location, age or gender. Place was the sharpest differentiator, although even here the patterns were complex.

All the elite IDI participants, including religious scholars, were unanimously in favor of using courts to decide polygamy cases.

Various reasons were offered for opposition.

- Men who opposed court involvement said the courts were corrupt and ignorant of Islamic law. A few argued that the man's conscience should decide his case for polygamy, not the courts.
- Some of the criticisms that women leveled against the courts were: biased against women, unqualified, and untrustworthy. Some feared excessive delays due to case backlogs.

The principal reason for supporting the role of courts was the belief that there are many instances of polygamy that are unfounded (i.e., don't conform to Islamic law).

Underage Brides

Moderators read two opposing statements about marriage before the legal age and asked participants which one best reflected their own point of view.

Most of the focus group and IDI participants either support the legal age of 16 or believe it should be 18 or above. Both women and men commonly offer two reasons for their perspective that under 16 is too young for marriage.

- Giving birth is dangerous for young girls; it can kill the mother or child or endanger their health.
- Marriage requires a level of maturity – to run a household, raise children and deal with the demands of a husband and mother-in-law – that a young girl lacks.
- An additional reason offered by some women is that girls should complete their education before marrying – at minimum, high school, and preferably, university. Those who cited this factor wanted the age raised to 18 at least.

Most participants were unmoved by the legalistic justification provided in the first statement (“The law sets the legal age for working, voting, etc.”).

A few participants (mostly men) mention the injunction in Islam that the girl reach “puberty” and are thus reluctant to set a particular age beyond this requirement. They say the decision should be made based on a girl's physical and emotional maturity, not her biological age.

None of the focus group or IDI participants accepts the argument that since Muhammad married Aisha at 9, it's acceptable for men to marry young girls in our time. The basic point was that a practice from 1400 years ago is not relevant today. This is not an argument that we have to worry about.

Just as important, the broad consensus among both sexes and the public groups and elite interviews demonstrates that Afghans will not accept a regressive practice merely because it dates to the Prophet.

Domestic Violence

Moderators also read two statements about wife beating and asked participants, which best reflected their view.

Many participants agree that men do not respect the teaching of the Hadith: they don't use beating only as a last resort, gravely injure their wives during beatings, and deliver them for trivial reasons.

Most women focus on the need for the husband to talk to the wife when they have disagreements.

- Almost all the women (and most of the CSO representatives) were very receptive to the argument that women have rights.
- Another argument spontaneously offered by women is that beating is counterproductive because it only increases the enmity between husband and wife.

Many men in the focus groups are against beating altogether. They argue that beating shows a lack of respect and caring. A few state that women deserve not to be beaten because they are people, suggesting in idea of human rights despite the lack of resonance for the idea of “women’s rights.”

- Some men, without condemning beating outright, say it will rarely, if ever, be necessary if the Hadith regulations are followed.
- A few men believe hitting wives is acceptable if done in a manner consistent with Islamic principles and/or if it means averting divorce (which they regard as a great shame). These men are not persuaded by the argument that “women have rights.”

The religious scholars all agree with the first statement but take pains to insist that beating should be considered only as a last resort. The argument that “women have rights” does not persuade them.

The Practice of *Baad*

Of all the issues posed by the EAW law, the issue of *baad*, where a young girl is given to a clan to settle a dispute or offset a crime, was the one where practically all respondents (focus group members, religious scholars, and other elite IDI participants) agreed: in another break with tradition, they rejected it as abhorrent. All participants are clear that *baad* is a purely cultural practice and is against *Shari'a*.

Consistently, we heard the same two reasons for the strong opposition to this practice.

- Justice: an innocent girl should not be punished for the misdeeds of her male relatives.
- Protecting her: they fear mistreatment by her new family because she reminds them of the misfortune that befell them.

All participants opposed to *baad* (save one religious scholar) express support for the 2009 law, which sets the potential sentence at 10 years for those involved.

Many participants endorse using the courts to adjudicate in this instance. They say it will bring widespread attention to the issue and will teach a lesson to others not to engage in this practice.

Opponents of using the courts, a small group principally found among men in Kandahar in our study, prefer traditional mediation as they live in traditional communities.

Information Sources

Many participants learn about national affairs from the media, particularly radio, and often, TV as well. But credulity is harder to come by.

Most say they trust private media, rather than state-owned ones. A few respondents specified particular networks: the local private TOLO TV network and the BBC's broadcasts to Afghanistan were mentioned most often.

Some worry that the government restricts even the private media's ability to report the truth.

Word-of-mouth is another extremely important source of information for participants, particularly for local events.

They generally trust the information that they gather from their family members or friends.

- A lot of information gets exchanged at public venues such as mosques and through cell phones.
- Information also gets disseminated in university settings, between students with their teachers.

Many participants, older as well as younger, say they use Facebook, but there are mixed views on its reliability as an information source.

Some also mention Twitter as well as the Internet, more generally.

MOOD

Afghans interviewed for this study are disappointed and frustrated. So far, their hopes for the new government have not been fulfilled. They worry that the disagreements between the President and Chief Executive (as exemplified by the long delay in forming a new Cabinet) portend a long period of gridlock. They are anxious to see progress on priorities, particularly the economy, security, and peace. Other concerns are administrative corruption and education. Women are eager for action on women's rights. On the positive side, despite the problems of the present, some focus participants remain optimistic about the future. This reflects gains in education and, under the country's new President, Ashraf Ghani, in foreign relations. (This section represents the

responses only of focus group participants, as we did not ask these general questions of the IDI participants.)

Participants are Discouraged by Conflict Within the New Leadership

Many participants express disappointment with the new administration in Kabul. They had high hopes when it came to power in the fall of 2014 but are now frustrated that it is mired in conflict between its two leaders, President Ghani and Chief Executive Abdullah Abdullah.

The dispute between the President and CEO is one of the biggest problems of Afghanistan today. This caused the formation of the cabinet to be delayed for six months. Man, 35+, Kandahar

The government of national unity has not reached a consensus on certain issues that exist in the government, and people cannot depend on them while this is happening. Man, 16-35, Kabul

Respondents voiced frustration with the fact that months after the government was elected, the Cabinet had yet to be appointed. They said this caused stagnation in the country, particularly in the economy, as businesspeople and investors waited to make investments until they have a sense of what to expect from the government. As a member of the older women's group in Kabul put it, "*The delay in completing the members of the cabinet is the biggest issue in Afghanistan now. The economy of Afghanistan is getting worse, and it causes insecurity.*" At the end of the fieldwork for this project, the President appointed 16 Cabinet members, which may have a positive impact on public attitudes.

The Economy Is On Life Support

Participants most often mention the stagnant economy as a priority for government attention. They complain about unemployment and worry about the country's underdevelopment and continued dependence on international aid.

The biggest problems that Afghans are facing now are unemployment and insecurity. Most of the new graduates are jobless, and they will do anything out of desperation, even if it's illegal. Man, 18-35, Mazar

We still don't have income-generating manufacturing companies that can help with the unemployment issues of the country. Woman, 35+, Mazar

The government depends so much on the support that the USA provides, and without it, they cannot survive. Man, 35+, Kandahar

They also regret that the high unemployment rate forces youth to emigrate to other countries in search of work or to look to the insurgency for a livelihood. One of the younger women in Kabul said, "*The majority of the youth in Afghanistan choose to leave the country to pursue a better future in other countries because the government cannot give them any decent employment opportunities. Some even join terrorist groups.*"

They place some of the blame for unemployment on clientelism and nepotism, as government jobs and scholarships for higher education go only to those with government connections.

Officials of the government of national unity only favor people they personally know when recruiting for positions in the Afghan National Army, Police and other places. Man, 18-35, Kabul

Scholarships are provided only to the sons of the Provincial Governor, relatives of the Governor, and relatives of the chief of police. Trust me – poor people don't get them. Woman, 35+, Kandahar

Countrywide Insecurity Hampers Other Progress

Many group members point to insecurity across the country, both terrorism and banditry, as a major impediment to progress on most other fronts. Accordingly, they want the government to prioritize the peace process. A young woman in the Kabul group said, *“Afghanistan’s biggest challenges are the country’s peace and security. Without it, we won’t be able to do anything.”*

Participants say in rural areas, insecurity keeps adults at home and children from going to school. *“It’s worse in the rural areas. Police forces or the ANA [Afghan National Army] don’t rule in these areas; that is why people don’t feel safe there and they cannot protect themselves,”* says a young man in Mazar.

Security Remains a Big Concern in Kabul and Kandahar, Improving in Mazar

Insecurity continues to afflict Kabul and Kandahar residents. Townspeople are more likely to complain about street crime than terrorism, due to the rarity of terrorist incidents in the cities as well as increasing crime and vandalism.² They talk of youths who harass people and drug addicts who steal.

Our children and brothers cannot walk freely during the day or night; the vagabonds and street harassments have increased. It is true that some of these vagabonds are arrested by the police, but they are quickly released. Woman, 16-35, Kabul

I am living in 9th district of Kandahar, and the security in this area is not good. Woman, 35+, Kandahar

In contrast, most residents in Mazar have seen real improvements in security in their town, although they are concerned about security in the rural areas. An older man in Mazar said, *“Mazar is safer compared to other provinces. We can walk out at night without any fear.”*

Corruption Seen as Pervasive Throughout Government

Participants lament corruption in government in general. *“Corruption is the main issue of Afghanistan, and it causes a lack of trust in government, but how can [the government]*

² The fieldwork took place before the spate of suicide bombings in all three cities that commenced in late March 2015. Therefore, it is possible that attitudes toward security among urban residents may have become more pessimistic.

eliminate the system of corruption when they are part of it as well?" asks a young woman in Kandahar.

Specific allegations include that businesspeople bribe Provincial Council members to gain lucrative contracts and that Members of Parliament (MPs) demanded the hiring of individuals close to them in exchange for votes of confidence to Ministers.

Women Seek More Freedom

Many women, and some men, spontaneously complain that traditional attitudes inhibit women's advancement in education and employment and constrain their social roles.

The situation in our area is not so good due to the existence of radical and backward ideologies: for example, not allowing women to go out of their houses. There are very few civilized people. There's still an old mind-set in society.
Woman, 18-35, Mazar

Women should have a choice about who to marry, but unfortunately this doesn't happen in rural areas. Man, 18-35, Kabul

They also condemn the violence against women that is socially sanctioned. Some also blame the government for a lack of progress on women's issues.

The culture of the people is considered one of the reasons why violence against women exists in Afghanistan. Man, 18-35, Kabul

Women have a lot of issues, but the government does not pay attention to solving them. Woman, 18-35, Kandahar

Educational System Needs an Overhaul

Many complain about the state of education in the country. A young man in Kandahar says, *"In my opinion, the Education Department has failed to oversee the educational system of the country and to attend to the students' needs. I want them to focus on solving the problems of the schools, teachers and the students."*

Problems mentioned include uneducated teachers, lack of schools in some provinces despite the extensive nationwide school-building effort, and the lack of access to school many girls continue to face in rural areas, partly because of traditional attitudes and partly due to insecurity.

Intermittent Electricity is Troublesome

Kandahar residents (and some in Kabul) are inconvenienced by unreliable electricity. *"The main problem in Kandahar is lack of electricity. In a week, we receive only two or three days of power,"* says a young man there.

The erratic supply of electricity is seen as damaging the economy. A young woman in Kandahar says, *"If they can provide a steady source of power in the country, businesses can operate continuously, and our economic status will improve. We can revive the textile industry, which can produce employment in the long run. Our economy is weak, and the issue of electricity is the root cause of it."*

Foreign Countries Are Pulling the Strings

Some male participants resent (as they see it) foreign countries trampling on Afghanistan's sovereignty and holding it back economically.

The two main problems of Afghanistan are political instability and foreign Intervention. These problems have hindered our country in improving and developing. Man, 35+, Kandahar

Afghanistan's location is very strategic; that's why foreign countries pay attention to us. They have kept our country underdeveloped so that we will stay dependent to them. Man, 35+, Mazar

Wider Education Access Viewed as Improvement

There are, nevertheless, two areas of improvement in the country that participants identify. First, some mention that more children than ever before, particularly girls, are receiving an education.

Access to education is what's going right in Afghanistan now. Woman, 35+, Mazar

The educational system in our area has improved; we now have educational institutions that teach English and educate the youth. This will positively affect the development of our country in the long run. Man, 18-35, Kandahar

Some Hopeful About Foreign Relations

Second, some participants say they feel hopeful that President Ghani's foreign initiatives – specifically, his trips to Pakistan, China, and Saudi Arabia – will improve Afghanistan's foreign relations and peace prospects.

I am 50 percent optimistic about the future of Afghanistan. This is because our President has travelled to China and Saudi Arabia along with Dr. Abdullah and Engineer Ahmad Khan to promote the country to investors. Saudi Arabia and China support the President's endeavors to improve the economic status of the country. The foreign ties of Afghanistan with powerful countries make me optimistic about the future of our country. Man, 18-35, Kabul

Afghanistan is having big achievements and is now being developed. This is because of President Ghani's official journey to Pakistan, which impacted the country significantly. The recent trips to Pakistan have caused a decrease in suicide bombs. Man, 18-35, Mazar

Brighter Days Ahead, Say Some

Some participants have faith that better days lie ahead for the country.

The Taliban is threatening us from time to time, and Daesh [ISIS] is also operating in our country. These are my concerns, but I am optimistic about the future of our country. The root cause of these issues is illiteracy. The majority of the previous population of Afghanistan was illiterates, and fortunately the youth are now getting educated. Man, 18-35, Kabul

Both President Ghani and Mr. Abdullah are trying hard to bring peace and security to the country. I am optimistic that their efforts will succeed. Woman, 16-35, Kabul

Participants outline their priority areas for the government, including employment, security, peace, education and corruption. Women are also focused on women's rights concerns. Participants worry that conflict between the two government leaders will impede progress on these issues. Nevertheless, there is some optimism for the future related to increased educational opportunities and foreign relations. As we will see in the pages that follow, participants' concerns extend to the Parliament and Provincial Councils.

VIEWS OF LEGISLATIVE BODIES

In the eyes of respondents, Afghanistan's Parliament and Provincial Councils do not fulfill their primary duty, to execute the will of the people. In fact, they say, the Members of Parliament (MPs) and Provincial Council Members (MPCs) never solicit the opinions of the public. Rather than representing the people, legislators use their power for personal gain and rewards for family members, friends, and supporters. Furthermore, Afghans feel that most of the incumbents lack the education and training needed for their positions.

The MPs cannot count on an apathetic public that pays little attention to their behavior. Many of our participants know who their MPs are and have been following what has been going on in Parliament. Similarly, many of our participants are familiar with their MPCs. While this produces discontent in Kabul and Kandahar, in Mazar attitudes are favorable towards because they have had positive interactions and experiences with them.

Legislators and Their Functions are Well Known

Most focus group participants knew their MPs – most were able to name at least some of the MPs from their province. Most journalists and CSO representatives (not surprisingly, because of the nature of their work) were also familiar with their MPs, as were the religious scholars. Likewise, most focus group participants could name at least some of the MPCs from their province.

Almost all participants understand the function of the Parliament, which they regard as making legislation that reflects the priorities and aspirations of the citizens.

The Parliament is the home of the people, and it reflects the true voice of the people. Parliament's duty is to make laws and pass the laws. The Parliament is the bridge between the government and its people. Woman, 16-35, Kabul

The Parliament represents the people's will, and their main duties are approving laws, but they're not performing this duty well. Man, 18-35, Mazar

Likewise, most are familiar with the role of the Provincial Councils, which they view as focused on promoting and monitoring development.

Their responsibility is to solve the conflicts of the people in the province. According to my understanding, it is the responsibility of the Provincial Council to pressure the Provincial Governor to execute development projects in the province. Woman, 18-35, Kandahar

Yes, I have heard of the Provincial Council. It's their responsibility to monitor and evaluate the development programs of the local government. Man, Religious Scholar, 42, Kabul

Many Participants are Following Developments in Parliament

We found considerable awareness of the workings of the Afghan Parliament. Many participants could name at least one of the issues Parliament was working on (though this was less true of women in the focus groups). Activities mentioned included vetting Cabinet nominees, discussing peace with Pakistan, and forming an investigative committee to look into the murder of a woman accused of burning the Qu'ran.³

Currently, they are busy electing Ministers from the nominees that the government provided. The Parliament rejects some of the nominees and elects some; they get elected by having majority votes from the Parliament. Man, 18-35, Mazar

The Parliament is currently working on a peace pact with Pakistan. Man, 18-35, Kandahar⁴

Most Legislators are Heartily Disliked

Participants' attitudes toward the Parliament are almost unanimously negative. Most people see MPs as utterly self-interested and in power to enrich themselves. Participants complain that MPs visit their districts only before elections, make promises that remain unfulfilled, and are never heard from again.

They don't care about the public's interest and they haven't done anything for the public either. The Parliament should be abolished; giving them a salary is such a waste. They spend a lot of money on projects that will only benefit them, not the people. Man, 18-35, Mazar

[The MPs] promised the people to provide electricity, help prisoners, improve education, provide competent judges and provide employment opportunities for [the people] ... but ever since they won, we haven't seen them again. The MPs were elected by the people but deceived the people and have not served them yet. Man, 35+, Kandahar

Much the same is said of the members of Provincial Councils. A young woman in Kandahar said, *"The Provincial Council ignores our queries and requests, and that's our main issue with them. We want to provide financial aid to the widows in the province, but they don't listen to our plea."*

Reasons for Hostility: Corruption, Poor Education, and Luxury

Members of the public in the focus groups and individuals in the IDIs gave a litany of complaints about the MPs and MPCs. They included allegations of graft, a lack of education and training, and luxurious lifestyles among MPs.

The taint of corruption swirls around the MPs and MPCs.

³ Farkhunda, an Afghan woman, was brutally murdered in Kabul in March 2015 by a mob after being falsely accused of burning pages of a Qu'ran. Her killing provoked a public outcry opposing violence against women.

⁴ We asked how closely people were following developments only regarding the Parliament, not the provincial councils, so we cannot assess the latter directly.

Unfortunately, some Members of Parliament are involved in the system of bribing. Their only goal is to attend to their individual personal interest and not the interest of the people. Woman, 32, Kabul

They [the MPCs] will only help you if you bribe them. I once went to the humanitarian department to file a complaint about my mother-in-law and daughter-in-law who beat me, but they did not help me. I also asked the [PC] representative for help. She asked me for 100,000 rupees as a bribe, but since I didn't have this amount and I was poor, [my complaint] lead to nothing. Woman, 35+, Kandahar

Some participants allege that MPs bribed their way into the Parliament and accept bribes to give votes of confidence to Ministers. They say billions of dollars of international aid has been given to Afghanistan and that much of it has disappeared into the pockets of officials, including MPs.

Participants are particularly scathing about the patronage system, where friends, relatives, and supporters of legislators are rewarded with jobs or scholarships and others more deserving are denied them. Some also allege that MPs favor those from their own ethnic group.

They only hire people they personally know and don't consider others. They only attend to the issues of people they know; they disregard the issues of the public. Man, 18-35, Mazar

The Members of the Provincial Council only work for their relatives and friends and not for the people. We once had a problem in the University, but no one from the Provincial Council paid attention to it. Man, 35+, Kandahar

Many respondents also deem the legislators unfit for their jobs because they lack education and proper training. Some recited amusing stories about how particular members misused certain simple words.

The majority of the Members of the Parliament are not well educated; that's why they can't understand the pros and cons of the laws they create. Woman, 16-35, Kabul

Most of the Members of the Provincial Council are uneducated. One time, one Member of the Provincial Council told us that he had been "raped" four times instead of "attacked" four times. Man, 35+, Kandahar

Participants also are resentful of the salaries that MPs command and the comfortable lifestyle that they lead. This includes travelling to Dubai during recess instead of visiting their constituents, the expensive cars they drive, and their ability to send their families to live lives overseas. All these things contribute to their losing touch with the hard lives endured by most Afghan citizens. As a female journalist, 42, in Mazar put it, "*Their luxurious ways of living keep them away from the people they should be serving.*"

Less Negativity Among A Few Participants

A few of the focus group and IDI participants have more positive feelings toward their MPs. They have witnessed them responding to some constituents' concerns, speaking in a manner they regard as honest, and passing some laws they appreciate.

Mr. Ibrahim Abas Zada genuinely serves the people. He always talks about the real situation of Afghanistan in the Parliament. Man, 35+, Mazar

According to my opinion, the current Parliament is better than the previous one because they have passed and enforced the law about the National Identity Card. Man, 35+, Kabul

Only in Mazar are some focus group participants more favorable towards their PC members.

The Provincial Council of Balkh is different from the other Provincial Councils because their intention to serve the people is pure, and the majority of [the MPCs] are literate. Woman, Journalist, 42, Mazar

Even most of those who compliment their MP still are extraordinarily negative toward Parliament as a whole. This recalls the phenomenon noted in the US, where many Americans hate Congress but like their own representatives.

Attitudes toward legislators are primarily negative, as most participants view the majority as self-interested, corrupt and ill equipped for their positions. They understand the role the legislators are supposed to fulfill and find most of them deficient in their duties.

ACCESS TO LEGISLATORS

It is extremely difficult for Afghans to contact legislators, who rarely help their constituents with their problems, in the view of our participants. They want their legislators to fulfill their responsibilities to the citizens. They are eager for their concerns to be acknowledged and want their legislators to make regular visits to their provinces so they can have a meaningful dialogue with them. Some elites report an easier time with gaining access to and assistance from legislators, as do some Mazar residents about their MPCs.

For the Public, Access to MPs is Difficult

Some focus group participants had sought help with problems from MPs, but few reported success.

Common complaints are that MPs actively avoid being available to their constituents and will only help family members and friends. Some also point to the logistical challenge of getting past security checkpoints to meet with an MP, and some complain that the MPs only stay in Kabul and don't visit their districts (also making it difficult to reach them). Participants also describe a "pass the buck" mentality among MPs, where they claim they can't help.

They change their phone numbers. They will not respond if you try to contact them. We've tried, but we have not been able to get hold of them. Woman, 18-35, Kandahar

They neither talk nor care about the people. They are living in Kabul – how can people in their provinces reach them? Woman, 35+, Kandahar

Some say MPs will help only when offered a bribe. A few cited cases where they were asked for a bribe in exchange for help from an MP.

My opinion is that the Parliament is a meaningless organization in our country. They will only serve the people if they're given a bribe. Man, 35+, Mazar

Kabul and Kandahar Residents Find Their MPCs Unhelpful

Of those participants in Kabul and Kandahar who have requested assistance from an MPC, few relay a satisfactory outcome. One participant noted a logistical challenge getting past security.

I recently tried to approach a Member of the Provincial Council, but he didn't want to help me. Male, Journalist, 27, Kabul

A few days ago, the Kandahar Municipality forbade some shopkeepers to operate. They complained about it to the Provincial Council, but their complaint was just ignored. Woman, 18-35, Kandahar

In Mazar, in contrast, where the Provincial Council was more popular, focus group members praised certain MPCs for constituent service efforts. For example, a young man there said, *“If you approach them about a problem, they can and will help you. For example, there was a medical student who wanted to volunteer in a certain hospital, but the hospital rejected her and even asked for money in return. The medical student went to the Provincial Council to ask for help, and they did help her. They told the chief of the hospital about what happened, and in the end, the chief of the hospital gladly accepted the medical student.”* In line with these attitudes, residents of Mazar were also more likely to say that they would contact their PC member in the future if the need arose.

Greater Access Among Elites

Among the 12 IDI respondents, 7 had solicited help from an MP for their organization or institution, and 5 succeeded.

I have contacted the Parliament about the rights of the teachers at Kabul University, and they were helpful in solving the issue. Male, Religious Scholar, 42, Kabul

I once called Ms. Shukria Barakzai about a law that forbids women to travel alone. I am a widow with Swedish citizenship, and I often go to Sweden; that’s why this law is a problem for me, but she told me to not worry about it. Woman, CSO Activist, 55, Kandahar

Even those in the CSOs who had not actually contacted MPs felt willing to try to do so. *“Neither I nor anyone in my organization has ever tried to get information from them to support our work. But I would like to consider getting information from them in the future. Our network is just newly established,”* said a woman activist, 34, in Kandahar.

Participants Want Face Time With Their MPs

Many focus group participants said MPs should schedule regular visits to their district and meet constituents where they normally gather, at mosques, for example. Most want personal contact with their MPs in a group setting.

We haven’t seen any Member of Parliament for 13 years. They should visit us and investigate the issues of the people. Woman, 35+, Kandahar

Listening to the issues of the people in groups is better than meeting them individually. Woman, 35+, Mazar

Some would prefer one-to-one contact, in person or by phone (for the sake of privacy).

They should personally visit the people because there are some issues they can’t share publicly. Woman, 18-35, Kandahar

I think it’s better if they can meet us one by one because not everyone wants to share their thoughts with other people. Man, 18-35, Mazar

IDI participants – CSO workers and journalists – prefer one-to-one contact with an MP either in person, by phone, or through the Internet. *“It would be best to communicate*

with us through phone and social networks because these are the fastest ways to reach us.” Male journalist, 35, Kandahar.

People to Parliament: Listen Up – and Respond!

If they could speak to an MP, other than raising issues that they want them to address, most participants would tell them to meet with citizens, listen to them, and address their concerns. They would remind the MPs that their prime responsibility is to minister to people’s concerns, and many would admonish them for their past behavior. Furthermore, they would warn the MPs away from corrupt behavior.

I will reiterate their duties and responsibilities as a Member of the Parliament. Accordingly, I will ask them to serve the people and the country instead of paying attention to their individual interests. Man, Religious Scholar, 56, Mazar

I will tell them, “The people voted for you but you haven’t served them well.”

Most focus group participants are frustrated by a lack of access to and assistance from their legislators. Only the elites and Mazar residents report some satisfaction. Legislators should properly perform their duties by attending to the needs and desires of the citizens, say our participants. They want their legislators to open a dialogue with them through periodic visits to their districts, as well as one-on-one contacts with ordinary individuals and CSO representatives.

THE ACCESS TO INFORMATION (ATI) LAW

The ability to have access to government information is a new concept for most of our Afghan focus group participants. They are unaccustomed to the idea that they have the right to certain types of official information but eagerly support the principle once the ATI law is explained to them. (So do the CSO representatives and journalists.) The problem, they assert, will be in its implementation. They doubt that officials will produce requested information unless the petitioner bribes them. Some CSO representatives and journalists are less skeptical as they have noticed positive changes in their ability to access information.

For the Public, Access to Information is Difficult

A few focus group participants report having sought out information in the course of their work from either the central or provincial government (or mention that someone they know has tried to do so). Few said they succeeded.

I have tried to ask about what has been done in Kandahar and what the future plans are, but we haven't been given any information. Woman 18-35, Kandahar

I wanted to prepare a report about violence against women, but the provincial head of women's affairs did not provide the information I needed to complete the report. She told me that they don't provide information to ordinary journalists. We struggle to produce and broadcast eye-opening reports about our country, but the government is not cooperating with us. Woman, 18-35, Kandahar

Getting information from a government official is like asking to meet God. Man, 35+, Kandahar

Similarly, among the IDI respondents, all of the journalists and the one CSO representative with this experience reported difficulty in receiving information requested from the government.

The problem with the government sector is that they don't give the requested information on time; they delay their response. Man, Journalist, 27, Kabul

Even journalists can't get information easily. The government should instruct officials to divulge what type of information can be disclosed to us. Man, Journalist, 35, Kandahar

ATI Law: Awareness Varies, Support is Broad

Most focus group members were not aware of the proposed ATI law; the most aware were in the legal profession. However, all the elite IDI participants were familiar with it.

There is broad support among all participants for the principle behind the law, with CSO participants expressing particular eagerness for it to be passed.

This is a good law; it could change people's lives if implemented. If we the people, civil society and media can pressure the government to implement this law, it will bring changes to our society. Man, 18-35, Mazar

This law could be influential if properly enforced. Journalists can now claim their right to access information if someone hinders them. This is an achievement for the people of Afghanistan; that's why the government must monitor and make sure that this law will be properly enforced. Lastly, the public should also be informed about this law. Man, Journalist, 35, Kandahar

IDI participants gave examples of the types of information they want from government.

We want information about violence against women. Woman, CSO Activist, 32, Kabul

They launched a new project in our area, and I want to know the budget allocated for this project. We can obtain information about administrative corruption in the government as well. Man, Journalist, 35, Kandahar

The Public is Skeptical About Enforcement

There is considerable skepticism among focus group participants about the ATI law's likely impact, despite their widespread support for it. Those who have requested information from government in the past and met resistance doubt it will help. Some are convinced that officials will try to avoid divulging any information, particularly if detrimental. Others do not think they can even contact government officials, let alone get information from them.

The government has ordered the District and Provincial Governors not to disclose information to journalists, so this law is meaningless. They tell you that they have to contact the Governor's office before they can give you the information. If journalists try to request information from government offices, their request will just be ignored. Woman, 18-35, Kandahar

Ordinary people are not even allowed to enter government premises, so I'm expecting that [officials] won't share information, either. Woman, 35+, Mazar

Some fear threats, retaliation, even murder, if they find negative information about an official.

The authorities don't perform their duties well; that's why they don't want to provide information to the people. So the authorities will not treat me well if I try to request information from them. Woman, 18-35, Mazar

High-ranking individuals in the public administration are usually threatening journalists when they expose the truth about the government and its problems. As a result, journalists opt to just be quiet about what they know. Woman, 35+, Mazar

Others assert that only citizens who bribe officials will be able to get the information they want.

“The government does not solve the problem of the people quickly and properly. They will only solve your problem if you pay them a huge amount of money,” says an older woman in Kabul.

To encourage officials to obey the ATI law, some group members recommend an awareness campaign aimed at public officials. They say this campaign would be particularly important outside Kabul. Others call for an oversight body to ensure compliance with the law, as it in fact mandates.

This [law] will only be good when there is security and officials are educated. The authorities should be told, “It’s your job to provide the people that come to you with complete information.” Man, 35+, Kandahar

Every government office should hang a copy of this law on their walls, so that if someone refuses to provide information to the people, they can just point at and refer to it. We need to have a government body that will monitor the implementation of this law, making sure that everyone will follow it. Man, 18-35, Mazar

IDI Respondents More Experienced, Less Cynical About Obtaining Information

IDI participants split over the law’s likely impact. Skeptics have faced resistance in the past when requesting information and note the ATI law lacks an enforcement mechanism. One journalist complains about the lengthy process involved in requesting information.

This is an achievement for the people, but we should not be too optimistic about it. We don’t have intelligent and professional people that will enforce this law; that’s why it will take some time for it to be fully implemented. Man, CSO Activist, 28, Mazar

Well, I don’t think this [law] will be helpful to us. It has a complicated process; you have to fill out a form with a signature of the responsible person, and you can only get the information after 5 days. We are a media group, and we need information real time, and this law cannot give us information real time. Man, Journalist, 27, Kabul

The more optimistic participants have seen some improvement in their ability to gain access to government information or have not yet attempted to do so.

We usually obtain information regarding violence against women from the Ministry of Women’s Affairs, and we haven’t encountered a problem. Woman, CSO Activist, 32, Kabul

Before, getting information was difficult; but ever since this law was passed, obtaining information has become easier. Man, Journalist, 35, Kandahar

The concept of freedom of information is new to our focus group participants, but they, along with the CSO activists and journalists, strongly support the principle. However, they have serious concerns about implementation of the law. They have no faith that government officials will comply with it, particularly if the information is detrimental. Only

people who offer bribes, they assert, will be properly served. Some IDI respondents have greater confidence that they will be able to obtain the information they seek, although some are as skeptical as the public. They urge efforts to increase awareness of the law among officials and the public.

WOMEN'S RIGHTS AND THE ELIMINATION OF VIOLENCE AMONG WOMEN (EVAW) LAW

There is broad awareness among Afghans that women face discrimination in Afghan culture as well as threats to their safety. Opinions are mixed about whether the government has done enough to help women deal with these challenges, but most agree that there is more to be done. Most respondents are supportive of the goals of the EVAW law, but women and CSO representatives are skeptical that men will obey the law because of Afghanistan's conservative culture. A few participants believe that Islamic law already sufficiently protects Afghan women.

Participants Note Problems of Afghan Women

Most women and many men agree that women face significant obstacles in Afghan society, particularly in conservative, tradition-bound rural areas. Participants offer as examples the practice of *baad* (giving a girl to a clan in compensation for crime or conflict), forced marriage, prohibitions on or lack of support for women's education or employment, and violence against women. Most agree that urban women have an easier time.

There is a lot of violence against women in the area where I live. The practice of baad is common in this area as well, and women are not allowed to study. Women are not even allowed to go to bazaars. Woman, 35+, Kandahar

In urban areas, women can receive an education and be employed. But it's a different story in the rural areas because we don't even have a school for women in these areas. Man, 35+, Kabul

The Glass is Half Empty, Most Women and Some Men Say

Although women acknowledge that Afghan culture is the root of the problem, most feel that government has not done enough to address the needs of women. They regard many measures taken to date, such as creating a Ministry of Women's Affairs, as window dressing.

The government does not pay much attention to the needs of women, and the Ministry of Women's Affairs is just a symbolic department of the government. Woman, 16-35, Kabul

The government only gives slight attention to the needs of women. Literacy and tailoring courses for them have been established in rural areas, and women are also visible in public administration offices. But in general, the status of women in Afghanistan is poor. Man, 18-35, Kabul

A few mention measures government should take, such as giving women credit to start businesses.

The Glass is Half Full, Some Men Say

Men are more likely to say the government has done a lot so far for women, even if not enough. They say expectations in this domain should be limited, since the time since the fall of the Taliban and the establishment of the new government is fairly brief.

The government pays attention to the needs of women. Besides having access to decent education, they can now attend vocational trainings like tailoring, etc.
Man, 18-35, Kandahar

We've been in crisis for 30 years, and we've had an established government for only 11 years. This is a short time to achieve a lot of things, but the government has done a great job so far in upholding women's rights. Man, 18-35, Mazar

EVAW Law: Low Awareness Among Public, High Awareness Among Activists

Most focus group members were unaware of the EVAW law. In contrast, all the IDI participants from CSOs were familiar with it and know that it has yet to be enacted by Parliament. Some had taken an active role in trying to get it passed. Thus a woman activist in Kabul, 32, said, *"This is an achievement because this is the first time the President issued a decree. This all happened because of the efforts of the Ministry of Women's Affairs and the members of civil society. We are hoping and expecting that the Parliament will pass this decree."*

Most Favor EVAW

Most of the focus group participants, both men and women, support the law. They are aware of certain unjust practices, such as *baad* and forced marriage.

This law is good and must be enforced and practiced. Woman, 16-35, Kabul

In my opinion, it is a very good law. In our area, beating, forced marriage and baad happen. Man, 35+, Kabul

The recent case of Farkhunda has clearly brought the issue of violence against women to the forefront – most groups raised the subject. She was killed after the groups in Kabul had already been completed, but participants in both Kandahar and Mazar mentioned it.

Awareness of women's rights should be raised among the people; for example, if people were aware of women's rights, Farkhunda would not have been killed.
Woman, 18-35, Mazar

My students inform me about the situation in their areas. We have a sharing session before our discussion starts, and lately I feel bad whenever I hear news about Ms. Farkhunda. Woman, 35+, Kandahar

These are important indications both of the latent opposition to violence against women as well as the power of the media in shaping opinion in Afghanistan.

Significantly, in the IDIs, the religious scholars as well as the CSO representatives supported the EVAW law, noting its importance for protecting women's rights. One of the scholars specifically says that it was crafted in accord with Islam.

This is a very good law that fights violence against women. Woman, CSO Activist, 34, Kandahar

This is a good law for the people of Afghanistan. We agree with this law because it was created in accordance with Islam. Male, Religious Scholar, 42, Kabul

Islamic Law Already Protects Women, According to a Few

A few focus group participants say the law is unnecessary because Islamic law already prohibits acts of violence against women. However, even among those who hold this view, some (principally women) say men do not abide by its tenets.

These things were already mentioned in the Holy Qu'ran 1400 years ago. Man, 35+, Mazar

Islam entitles women to numerous rights, and these rights must be respected. If these rights are respected, then there would be no need for the violence against women law. Woman, 35+, Kabul

Some Men Fear a Loss of Control

There is also an undercurrent of concern among some men of a loss of control if women are no longer subject to certain traditional practices. They fear that the EAW law will emancipate women in ways that reflect Western values and are inconsistent with Afghan traditions, by allowing them too much exposure in society.

This law could give women illegal ideas that could lead to protests and uprisings. Man, 18-35, Kandahar

If we let [women] do whatever they want, they will abuse [the privilege]. They will go anywhere and they will stay out late at night. Women should not go out without the permission of the husband. Man, 18-35, Mazar

Some Express Doubts About Enforcement – So Law Needs Publicity

In the focus groups, all the women (and some men) say that the law is not heeded now. CSO representatives and some women worry that, because Afghan society is so conservative, men will not obey the EAW law.

This law exists but has not been enforced across the country. There is a lot of violence against women that happens in the country. For example, a woman was beheaded and killed in Helmand Province. People should be informed by their religious leaders about this law. Woman, 18-35, Kandahar

The government passed a law to protect women, but it was never implemented. Just a couple of days ago, a woman was stoned to death in Kabul. The government said that they will investigate this, but they will never punish the people involved, and this is the problem. As long as the government doesn't properly punish law offenders, people will never change. Man, 18-35, Mazar

They maintain, however, that an awareness campaign among women and men about women's rights, generally, and the law, specifically, can have a positive impact. They particularly emphasize the role that could be played by Islamic clergy.

There should be public awareness programs through the mosques and media to teach about the equality of men and women. Woman, 16-35, Kabul

People should be informed by their religious leaders about this law. Woman, 18-35, Kandahar

Most participants concur that Afghan women face significant obstacles because of entrenched cultural attitudes. Opinions may differ on whether the government has sufficiently attended to women's rights to date, but practically all participants believe there is more work to be done. Most participants (even religious scholars) support the law, although a few feel that Islamic law already provides enough protection to women. Some men feel threatened by potential implications of EVAW for changing women's attitudes and behavior. Many women and CSO activists are dubious about men's compliance with the law and therefore believe a public awareness campaign about women's rights as well as the EVAW law is necessary.

POLYGAMY AND THE COURTS

Should the courts have a say in whether or not a man can marry more than one wife? This thorny issue remains to be resolved in the EAW law, so we put it to our participants. Unlike other issues discussed in the research, the responses were polarized and did not divide cleanly along location, age or even gender lines. Complaints that the courts are biased, corrupt, backlogged and unqualified prompted respondents to oppose the courts becoming involved. Concerns that men often flout the conditions specified by Islamic law for marrying more than once drove opinions that the court must get involved.

Many Women Resent Polygamy Itself

Although our focus regarding polygamy was the role of the courts, many women in the focus groups had such negative feelings about polygamy that they spoke out against the practice itself. Others resent that men often take extra wives without heeding the conditions prescribed by Islamic law.

No women want to see their husbands marry more than one wife. Woman, 35+, Mazar

Marrying more than one wife without any legal need is wrong. I think if a man has children and a healthy wife, having more than one wife is not necessary anymore. Woman, 18-35, Kandahar

Opinions Divided on Judicial Role

There was no consensus among the focus group members on the role of the courts in polygamy cases, nor were there clear divisions according to location, age or gender. Place (and perhaps associated ethnic factors) was the sharpest differentiator, although even here the patterns were complex. In Kandahar, practically all participants were *against* bringing polygamy cases to court. In Kabul, three out of four of the groups (the exception being the older women) were generally *in favor* of judicial intervention. In Mazar, there were mixed views among the younger men and women while the older men are opposed and the older women are in favor.

However, things were quite different with the more elite IDI respondents. All, including religious scholars, were unanimously in favor of using courts to decide polygamy cases.

Opponents: Men Say Courts Corrupt and Unnecessary, Women Say They are Biased, Backlogged

Various reasons were offered for opposition, with notable gender differences. Men who opposed court involvement said the courts were corrupt and unlearned in Islamic law. A few said court involvement was not needed. They argued that the man's conscience should decide the validity of his case for polygamy under Islam and no interference by a court is warranted.

I believe that these rules should be enforced, but the courts in Afghanistan are not qualified to implement these rules. The courts are not good because they are corrupt. Man, 18-35, Kandahar

If men have enough information about this law, they won't need to go to court. Individuals can enforce this law personally. The best court is your conscience. Man, 35+, Mazar

Some of the criticisms that women leveled against the courts were: biased against women, unqualified, and untrustworthy. Some feared excessive delays due to case backlogs.

It should not be enforced by the court because people do not trust them. Woman, 18-35, Kandahar

The courts cannot do it. It's an Islamic thing. The courts will take years to [hear the case]. Woman, 18-35, Mazar

Those in Favor: Numerous Unjustified Polygamy Cases

The principal reason for supporting the role of courts was the belief that there are many instances of polygamy that are unfounded (i.e., don't conform to Islamic law). Courts need to be the arbiter because some men marry more than one wife without valid reason or the ability to provide for them. Some say that whether or not a man can provide "justice" to each wife is a very subjective determination and thus the objective ruling of the court is necessary.

According to research, most Afghans pursue having more than one wife regardless of their financial capabilities. You cannot expect women to complain about this; that's why we need this law to be enforced by the court. Woman, CSO Activist, 32, Kabul

It would be better if the court can enforce this law because they are impartial. Man, Religious Scholar, 56, Mazar

The issue of the role of the courts in polygamy cases was the most controversial topic we examined in the research. Opinions were polarized, with no clear divisions along location, age or gender lines. For some, the courts are a bad choice because they are corrupt, biased, unqualified or untrustworthy. Some men say husbands themselves should be responsible for the decision. For others, the judgment of the courts is necessary because they are a neutral arbiter that can rule against unsubstantiated cases of polygamy.

UNDERAGE BRIDES

Another controversial issue regarding the EAW law is a provision that criminalizes child marriage. There was general consensus in favor of the provision. Most respondents, breaking with Afghan tradition, agree that the minimum age for marriage should be 16, from concern for a girl's health during pregnancy and her emotional maturity. Some even advocate a minimum age of 18 or over, to allow girls to complete their education. A potential counterargument about the Prophet's marriage to Aisha when she was nine years of age fails to resonate, demonstrating relatively weak pushback on this issue.

To gauge sentiment on this issue, moderators read two opposing statements about marriage before the legal age and asked participants which one best reflected their own point of view.

First Statement: "This is not good for the girl because she is too young. This practice is also exceptional in Islam. The law sets the legal age for working, voting or getting a driver's license so the same should be true for getting married. The legal age of 16 should be respected."

Second statement: "This is allowed under *Shari'a* and is demonstrated by the fact that the Prophet's last wife, Aisha, was only 9 years old when she married him. If it is acceptable under *Shari'a*, then the practice should not be questioned."

Most Respondents Oppose Child Marriage

Most of the focus group and IDI participants either support the legal age of 16 or believe it should be 18 or above. Both women and men commonly offer two reasons for their perspective that under 16 is too young for marriage. They said giving birth girl is dangerous for young girls; it can kill the mother or child or endanger their health.

If a girl gets married young she's at risk for some problems with early pregnancy.
Woman, CSO Activist, 48, Kabul

If you look at other countries, you can see that girls in Africa encounter a lot of health problems because they get married young. Marriage at a young age prevents girls from studying, causes health problems and causes disputes in society. Man, 18-35, Mazar

They also said that marriage requires a level of maturity – to run a household, raise children and deal with the demands of a husband and mother-in-law – that a young girl lacks. (Some felt that even 16-year-olds are too young for this.)

It's better for girls to get married at 16 years old because at this age they are mature enough to understand how to raise and take care of a family. Man, 35+, Mazar

16-year-old girls are still childish and have not matured yet. Woman, 35+, Mazar

The lack of gender differences on these points was striking: women and men agreed that 16-year-olds are neither physically nor emotionally ready for marriage.

An additional reason offered by some women is that girls should complete their education before marrying – at minimum, high school, and preferably, university. Those who cited this factor wanted the age raised to 18 at least. Thus a young woman in Kabul said, *“The age of 16 is still not fair for marriage because at this age, girls are still studying. The age of 22 would be a reasonable age for girls to get married because by this age, girls have completed their education”*

Most participants were unmoved by the legalistic justification provided in the first statement (“The law sets the legal age for working, voting, etc.”).

A Few Accept Child Brides Post-Puberty

A few participants, mostly men, mention the injunction in Islam that the girl reach “puberty” and are thus reluctant to set a particular age beyond this requirement. They say the decision should be made based on a girl’s physical and emotional maturity, not her biological age.

Islam says that whenever a girl becomes mature, she can get married. This stage could be at the age of 12, 14, or 16 ... age should not be the indicator of when a girl should get married. She can get married once she has reached maturity. Man, 18-35, Mazar

Puberty is the main factor to consider in the Holy Religion of Islam. Woman, 35+, Kabul

Argument About Aisha Seen as Irrelevant

None of the focus group or IDI participants accepts the second argument that since Muhammad married Aisha at 9, it is acceptable for men to marry young girls in our time. Participants presented several responses on this point. The basic argument was that a practice from 1400 years ago is not relevant today.

The Prophet married a girl 1400 years ago, but now we are living in the 21st Century. Maybe 1400 years ago, the physical nature of human beings was different. According to today’s medical thinking, it is dangerous to marry an underage girl. Man, 18-35, Kabul

A lot of things have changed since the era of Prophet Mohammed, and in this generation, marrying a 9-year-old girl is wrong. Woman, CSO Activist, 32, Mazar

Others said that today’s men should not compare themselves to the Prophet; that the Prophet did not have sex with Aisha when she was 9; and that Aisha was unusually mature for her age (as shown by the fact that she became an important spokesperson for the Prophet).

This is not an argument that we have to worry about. Just as important, the broad consensus among both sexes and the public groups and elite interviews demonstrates that Afghans will not accept a regressive practice merely because it can be dated back to the time of the Prophet. This has important implications for other issues as well.

The arguments against child marriage that resonate, among both men and women, concern the danger to the health of the mother and child during childbirth and the need for a level of emotional maturity lacking in an underage girl. Most participants, in citing these reasons, oppose child marriage. Some women also prefer that a girl finish her education before marriage and therefore prefer a legal age of at least 18.

DOMESTIC VIOLENCE

The EAW provision that makes domestic violence punishable up to three years in prison touches on another hot issue. To understand Afghan reactions on this topic, we set out to test whether participants felt wife beating was acceptable if it conformed to the restrictions outlined by the Hadith, or if they would agree that the practice violates women's rights and therefore is unacceptable under any conditions. (Many participants agree that Afghan men seldom obey the Hadith conditions before beating their wives.)

Response to this issue differed along gender and occupational lines. Most women, along with CSO representatives, felt that beating violates women's rights and emphasize the importance of discussion between husband and wife as an alternative. A few felt beating could be acceptable under certain circumstances, but only if used as a last resort.

Many men came into the groups feeling beating was unacceptable under any conditions because people should not be beaten, but did not connect this intuition about human rights to the concept of "women's rights." Some, while not condemning beating outright, maintain that beating will rarely, if ever, be necessary if the steps outlined in the Hadith are respected. However, a few men, along with the religious scholars in the IDIs, focus on Islamic rules and believe beating is acceptable if it follows the Hadith conditions and/or will prevent divorce. To them, the argument that women have rights other than those specified in the Qu'ran is inadmissible.

Moderators read two statements about wife beating and asked participants, which best reflected their view.

First statement: "The Hadith says women can only be hit by their husbands in ways that will not injure them, and only as a last resort, after the husband has stopped sleeping with them and has talked to her family, and has failed to solve the problem in these ways."

Second statement: "Women have rights, and they have the right not to be beaten by any man, including their husbands. Husbands have to find other ways to solve disputes with their wives."

Many Participants Agree That Men Do Not Respect the Conditions of the Hadith

Many women in the focus groups complain that men do not respect the teaching of the Hadith: they don't use beating only as a last resort, gravely injure them during beatings, and deliver them for trivial reasons, such as "*when they put too much salt in the meal.*" Some men, as well as the IDI participants (religious scholars as well as CSO representatives) also agree that men in their communities beat women without regard to the teachings of the Hadith.

We, as Muslims, should follow these procedures step by step, but unfortunately Afghan men do not follow these steps. Therefore, we have many severe wife beating cases. Woman, CSO Activist, 32, Mazar

These conditions are not adhered to in our society. When the husband starts to hit his wife, he won't let her go until she's injured. Man, 18-35, Mazar

Women Emphasize Discussion and Rights

Women offered a variety of reasons for opposing wife beating. Most focus on the need for the husband to talk to the wife when they have disagreements. Almost all the women (and most of the CSO representatives) were very receptive to the argument that women have rights.

It is better if the couple could just settle their problem through talking because wife beating is wrong. The wife may have relatives; they should raise their problem with them. Woman, 35+, Mazar

Wife beating is wrong. One of my relatives told me that wives should be beaten, and I do not agree with that. It is better to love your wife rather than beat her. Woman, 16-35, Kabul

Another argument spontaneously offered by women is that beating is counterproductive because it only increases the enmity between husband and wife. *"I am against wife beating. I have seen a lot of these cases, and instead of solving the problem, wife beating only creates more problems in the future,"* said a young woman in Mazar.

Only a few women felt it is acceptable for men to beat women in any cases – and they emphasize the restrictions from the Hadith. *"Beating should be a last resort and should not in any way injure the women,"* said an older woman in a Kabul focus group.

Many Men Oppose Wife Beating, But A Few Accept It Under Islamic Rules

Many men in the focus groups are against wife beating altogether. They argue that beating women shows a lack of respect and caring. A few state that women deserve not to be beaten because they are people, which suggests they have some notion of human rights, although there is little overt resonance for the idea of "women's rights" on this issue.

Women should not be beaten under any circumstances. We need to pay attention to their needs, and we need to take care of them. Male, 18-35, Kandahar

Women should be respected because they represent half of our population. That's why I believe that beating your wife is wrong. Man, 18-35, Kabul

Some men, without condemning beating outright, emphasize that it will rarely, if ever, be necessary if the Hadith is followed.

Islamic law is the best law as it has considered these things centuries ago. We don't need to create new laws because Islamic law is sufficient enough to guide us ... Believe me, if you stop sleeping with them even just for one night, they will follow anything you'll say. Man, 35+, Kandahar

This practice [first statement] is right and should be obeyed by everyone. If we implement these things, women will not be killed or beaten. Man, 18-35, Kandahar

A few men believe hitting wives is acceptable if done in a manner consistent with Islamic principles and/or if it means averting divorce (which they regard as a great shame). These men are not persuaded by the argument that “women have rights.”

I think if there's no other way then (men) can beat their wives to prevent them from getting a divorce. Man, 18-35, Mazar

This view (first statement) is right; beating your wife is a better option than getting divorced. It's better if the wife is beaten or her hand and foot breaks than getting a divorce because it's the worst. Man, 18-35, Kandahar

Religious Scholars Agree with the Hadith on Wife Beating

The religious scholars all agree with the first statement but take pains to insist that beating should be considered only as a last resort. The argument that “women have rights” does not persuade them. Thus a male religious scholar, 42, in Kabul, said that the first statement “*is right. Women can only be beaten by their husbands in ways that will not injure them, and only as a last resort. This practice is the right way, and this should not be considered violence against women.*”

On the other hand, even some of the scholars recognized that beating wives could cause trouble despite its recognition by the Hadith. “*Wife beating should only be considered as a last resort,*” said one in Kandahar. He added, “*But I would like to highlight that violence against women by any means has a negative effect and will ultimately cause a rift between the wife, the husband and their children.*”

Some Say Women Should Know Their Place

Some men and even a few women believe the onus is on the woman to avoid beatings. They say that if women know their limits and act properly, there will be no need for beatings in the first place.

Women should know their duties and responsibilities, and we should encourage them to [tend to them] well. If this will be done, beating wouldn't be a problem. Man, 35+, Kandahar

Women should behave well to avoid being beaten by their husband and family. Woman, 35+, Kandahar

However this view, expressed by some older participants, was far from the general view.

Participants had a variety of reactions to the issue of wife beating, with differences expressed along gender and occupational lines. Most women and CSO activists believe that such an assault violates women's rights and that discussion between husband and wife should be the method of choice for dispute resolution. Many men are against the practice, having apparently internalized ideas of human if not women's rights. Some say beating will rarely, if ever, be necessary if men take the steps outlined in the Hadith

when there is a disagreement. A few men, however, along with the religious scholars, accept that beating is acceptable if done in accord with Islamic rules.

THE PRACTICE OF BAAD

Of all the issues posed by the EAW law, the issue of *baad* was the one where practically all respondents agreed: in another break with tradition, they rejected it. The reasons include fairness to and protection of young girls. There is broad support for the penalty of 10 years' imprisonment for those involved with *baad*, and some want an even longer sentence. However, Afghans split on whether the courts or traditional authorities should adjudicate such cases.

Almost All Say: Baad is Bad

Focus group members find *baad* to be a wholly abhorrent practice, with the exception of only three men out of almost 50 participants. All IDI participants completely opposed *baad* as well, including religious scholars. In a few cases, as noted earlier, the issue came up unprompted when participants were discussing their reasons for supporting the EAW Law.

This practice should be eliminated from society. Woman, 35+, Kabul

It is very bad. I request my entire family and fellow Afghans to avoid engaging in such a practice. Man, 43, Religious Scholar, Kandahar

Plentiful Personal Experience with Baad

The sad realities of *baad*, in which young girls are given as tokens of exchange or to settle disputes, have left a mark. In every group, multiple participants offered stories of girls who were exchanged in *baad*, sometimes in their own families, which rarely had a happy ending.

I had a female employee, and she told me a story about her daughter. She said that her husband exchanged her 12-year-old daughter with another person who is quite old and so her daughter cries every day since she is married to a very old person. Her husband comes to the woman's home to complain about their daughter so her father goes there and beats her. Woman, 35+, Kandahar

*I have seen such a situation, and it is very wrong. There was once a dispute in our village between two people about water rights, and one got killed. To settle this dispute, a six-year-old girl was given in *baad*.* Woman, 16-35, Kabul

Awareness that Baad Violates Islamic Law

All participants, in the focus groups as well as the IDIs, are clear that *baad* is a purely cultural practice and is against *Shari'a*.

It is completely haram. It is a very inhumane traditional practice that is completely against Shari'a. Woman, 18-35, Mazar

It is a bad practice. It is not in Islam. Whatever is not in Islam is not allowed. Man, 35+, Kandahar

Reasons for Opposition: Justice and Protection

Consistently, we heard the same two reasons for the strong opposition to this practice: fairness and protection of the girls concerned. First and foremost, justice for the young girl was cited: an innocent girl should not be punished for the misdeeds of her male relatives. Second, protecting her: they fear she will be mistreated by the new family because she is a reminder of the misfortune that befell them. (Participants' stories, as noted above, validate this concern.)

Criminals should be punished instead of involving innocent girls. Woman, 35+, Kabul

It is a very bad practice because it causes women to have a miserable life. Man, 18-35, Kandahar

This opposition, too, is important, both in itself and as a break with the traditional notion that tribe or clan comes before the individual. It is also a potentially significant factor in other domains, breaking down the myth of an unchanging, traditional Afghan culture.

Low Awareness, Strong Support for Legal Ban

In most groups, at least a few participants were aware of the prohibition against *baad* under Afghan law. Fewer were familiar with the potential sentence of 10 years.

All participants opposed to *baad* (save one religious scholar) express support for the 2009 law, which sets the potential sentence at 10 years for those involved. In an indication of how strongly negative the views against *baad* are, one of the older men in a Mazar focus group remarked, "*Even those who served tea at the meeting [where the baad arrangement was made] should get 10 years!*" Several participants spontaneously say that the sentence should be up to 20 years.

Many Believe the Courts Should Intercede, Some Prefer Elders

Many Afghans favor using courts to decide in this instance. They say it will bring widespread attention to the issue and will teach a lesson to others not to engage in this practice. A CSO activist in Kabul put it this way: "*It is better if the court enforces this prohibition because they are influential, and their decisions are respected and followed by everyone.*"

Opponents of using the courts, a small group principally found among men in Kandahar in our study, prefer traditional mediation as they live in traditional communities.

In my opinion, it is better to use traditional mediation like family in these cases. Man, 18-35, Kandahar

We are living in a traditional community, and traditional mediation would be a better option in these cases. Man, Religious Scholar, 43, Kandahar

In an indication that Afghan culture is not as hidebound as commonly assumed, there is practically unanimous agreement among our participants that *baad* is a despicable practice that should be outlawed and severely punished. Who should adjudicate was the only issue where there were some differing opinions, with many favoring the courts and some advocating traditional mediation.

INFORMATION SOURCES

Private media, word-of-mouth from family and friends, and Facebook emerge as the most important sources of information for participants about national and local affairs. This section represents the responses only of focus group participants, as we did not ask these questions of the IDI participants.

The Media is a Primary Source of Information for Most

Many participants learn about national affairs from the media, particularly radio, and often TV as well. But credulity is harder to come by.

Some respondents say they particularly trust TV because they can see the story with their own eyes, live. *“I trust what I see on TV because it’s real time,”* said an older man in Kandahar.

Most say they trust private media, rather than state-owned ones. A few respondents specified particular networks: the local private TOLO TV network and the BBC’s broadcasts to Afghanistan were mentioned most often.

I trust what I hear from the BBC. Woman, 35+, Kabul

I trust more on what I see on TV, especially news from TOLO TV. I listen to BBC on the radio. Woman, 35+, Mazar

Some Suspicion About the Veracity of News Reports

Nevertheless, there is unease about the reliability of available news. Some worry that the government restricts even the private media’s ability to report the truth.

I get information from media, but I’m not sure whether what they broadcast is true or not. Woman, 35+, Kabul

The government can influence the media to not broadcast the truth. Man, 35+, Kabul

Friends and Family Key Local Source

Word-of-mouth is another extremely important source of information for participants, particularly for local events.

They generally trust the information that they gather from their family members or friends.

I trust what I hear from my friends and family the most. Man, 35+, Kandahar

I have more trust in friends, family and what I see on TV. Man, 35+, Kabul

A lot of information gets exchanged at public venues such as mosques and through cell phones. Information also gets disseminated in school or university settings, between students and with their teachers.

Afghans usually get their information from gatherings in Masjids and communicating through cellphones. Man, 35+, Kabul

I am a student, and my classmates are from the different provinces of Afghanistan. As a result, I get the news from them. Man, 18-35, Kabul

Facebook is a Common Source with a Mixed Reputation

Many participants, older as well as younger, say they use Facebook, but there are mixed views on its reliability as an information source. Some also mention Twitter as well as the Internet, more generally.

I believe in what I read on Facebook the most. Man, 18-35, Kandahar

TV and radio are more trustworthy compared to friends and social networks (Facebook and/or Twitter). Man, 18-35, Mazar

Our participants use private media, their family and friends, and Facebook as their primary sources of information on local and national affairs. Their most trusted source, particularly on local matters, is family and friends as some suspect that the government censors even the private media's reporting. Some are also leery of some of the information from Facebook.

CONCLUSIONS AND IMPLICATIONS

A Sense of Stagnation

Participants are frustrated by a lack of progress on issues important to them, such as unemployment, security and the peace process, education and corruption and worry that the President and Chief Executive are too busy squabbling to effectively handle the country's challenges. At provincial level the situation varies, with a less critical situation in Balkh and more stress in Kabul and Kandahar. There is an important role that Parliament can play here in terms of well-publicized executive oversight at national and provincial levels.

Increase Citizen-Legislator Interaction and Information Flow

Participants also feel cynical because their legislators are busy enriching themselves, have no concern for their constituencies, and only help the wealthy and well connected. These feelings are exacerbated by what they describe as false promises made to them during elections and little to no post-election contact with legislators. There is little chance for improvement in citizen satisfaction with legislators until their basic desire to be heard is met. Efforts to improve the relationship between legislators and their constituents should be a priority.

To be effective, those efforts would need to include a large increase in communication between legislators and those they represent. Where security concerns do not preclude this, there is a need for face-to-face constituent visits and the establishment of regular meetings or forums across the constituency. In any case, media should be used to provide opportunities for legislators to report back and be held to account, via radio and TV interviews and call-ins, particularly on local-level stations. At the same time, the MPs and MPCs can be challenged to state their views on the issues before them. Cell phone numbers of MPs, MPCs, and their staffs should be publicized (via radio, TV, and billboards) to encourage people to contact them and raise their demands, regarding services and policy.

Reform of the electoral system for Parliament would also be an important step to providing representatives an incentive to respond to those they represent. The current system, involving a single non-transferable vote in large multi-member districts, means that a tiny fraction of the vote can suffice to elect a candidate in the large field typical of Afghan elections. This may encourage candidates to focus on building support among cliques, clans, or clients rather than more broadly across the district. A different voting system, such as single-member districts or a single transferable vote, would provide them more reason to seek broader support.

ATI Law: Skepticism about Implementation

Participants are supportive of and intrigued by the ATI law but harbor serious doubts about its effectiveness, because they do not believe that government officials will comply with it. In addition, the notion of freedom of information is very novel to Afghans. Thus they will need some education about the concept, how the law works in other countries, and how ideally it should work in Afghanistan.

This civic education campaign should address concerns about the law's implementation by informing the public about the provisions for an oversight commission and the penalties for non-compliance. In addition, an awareness campaign for officials outlining their responsibilities under the law and public communication about the campaign would be important. Publicizing success stories, where an average citizen requested information and was granted it, would also be valuable. Furthermore, to address retaliation fears, amending the law, if possible, to include a provision for protection for those making requests is desirable. Last but not least, this is an area where vigorous Parliamentary and Provincial Council oversight could yield dividends.

[EVAW Law: A Good Idea That Needs Publicity](#)

Most participants are similarly supportive of the EVAW law, though some believe that Islamic law already provides sufficient protection for women. Some men are uncomfortable with EVAW's potential implications for women's emancipation in ways they consider antithetical to Afghan tradition. The law's strongest supporters insist on the need for a civic education campaign aimed at both men and women for the law to have an impact. An effective campaign should demonstrate, through the use of persuasive case studies (like the Farkhunda murder), how the practices outlawed in the legislation negatively affect women, and by extension, entire families. The campaign should emphasize that the aim of the law is to provide justice for women and prevent suffering, not to blithely impose Western values on the Afghan people. It should also explain how the law will build on and add to the protection that Islamic law provides for women.

[Navigating the Issue of Polygamy and the Courts](#)

Opinions are polarized about the necessity of the courts to approve cases of polygamist marriage, the most controversial issue we examined. If the Parliament chooses to require court approval in polygamy cases, in order to mollify opponents it will be necessary to make significant improvements to the current justice system. The courts will need to demonstrate their impartiality and their knowledge of and respect for Islamic law. A streamlined process for polygamy cases to ensure that they are promptly heard would be welcomed. If the Parliament decides that the courts do not need to rule in polygamy cases, one option is to allow wives to have recourse to the court if they want to contest their husband's decision.

[Domestic Violence: Women Focus on Rights; Men, on Islamic Law](#)

Many respondents agree that men do not heed the conditions mandated by the Hadith before they beat their wives. Other facets of the issue divide along gender and occupational lines. The argument that "women have the right not to be beaten" has resonance among most women and CSO activists. Although many men are opposed to wife beating, this seems to reflect an opposition to violence against persons, suggesting an intuition of human rights rather than an explicit view that women have rights. Some argue that if men follow the steps laid out by the Hadith, beating will rarely, if ever, occur. A few (and all the religious scholars) believe men have the right to beat their wives under certain conditions and/or as long as they heed the restrictions imposed by the Hadith. These men are not persuaded by the viewpoint that "women have rights."

Arguments against wife beating offered by respondents include that it is counterproductive, building enmity between spouses; that discussion between husband and wife is more constructive; and that it shows a lack of respect and caring.

Baad and Underage Marriage: People are Already Opposed

Our research suggests that two of the practices prohibited by the EVAW Law, *baad* and underage marriage, will likely not be big sources of controversy because people already have strong negative feelings against them.

Almost all participants are strongly opposed to *baad*, even in the conservative Pashtun bastion of Kandahar. The strongest arguments against this practice are: the injustice of punishing an innocent young girl to atone for a crime committed by another; and the need to protect her from a life of misery, ensconced in a hostile family environment. An additional argument which resonates is that *baad* is prohibited by Islamic law.

There is broad acceptance of the punishment of 10 years' imprisonment – with many even calling for a longer sentence. The only divisive issue concerns who should adjudicate in these cases, with some wanting the courts and others preferring local elders. Therefore, if Parliament decides to use the courts, it will be important to demonstrate why justice in *baad* cases can be better served through the court system. A reason offered by many participants is that the cases will receive wider attention, and therefore there will be a stronger deterrent effect.

Practically all participants are opposed to underage marriage and advocate for a minimum age of 16 – many want it to be even higher. The arguments they make concern both the health of the mother and child during childbirth, the maturity to run a household, and, for some, the completion of a girl's education. Even those few participants who are reluctant to designate a specific age because it is not spelled out in Islamic law agree that the physical and emotional maturity of a girl is an important criterion. One could therefore assume that it should not be difficult to persuade them that a girl younger than 16 is not ready for marriage. We do not have to worry about counteracting an argument about the age of Aisha when she married the Prophet as nobody finds this reasoning valid.

Afghanistan is Changing, and Afghans Want To Shape It

The most important take-away from our research runs through all our findings: it is that Afghanistan is a vital, changing society which Afghans themselves want to influence and shape. Their demands for more effective governance and responsive legislators reflect a clear awareness of the importance of politics in their lives, honed through decades of conflict when it was a life-and-death issue. They want to be have contact with their legislators, and answers from them. Their views on access to information show their interest in the give-and-take of a democracy in Afghan colors. Their willingness to challenge tradition concerning women's rights – both pre-Islamic in the case of *baad* and Islamic regarding child marriage and wife-beating – demonstrates that Afghanistan is evolving and that Afghans themselves are debating its shape. The results provide more reason to reject the widely peddled notion that Afghanistan is a country where time has stopped and tradition rules all. Making the Afghan legislatures work better, giving Afghans more access to information, and protecting Afghan women against violence will help Afghans to themselves construct the country, laws, and lives that they want.

METHODOLOGY

Charney Research conducted 12 focus groups with members of the public and 12 in-depth individual interviews with members of Afghan elites on legislative issues in Afghanistan from March 18-28, 2015 to support USAID's Assistance to Legislative Bodies in Afghanistan (ALBA) project, implemented by Development Alternatives Inc. They were done by a local Afghan market research organization's experienced and trained professional Afghan interviewers. All interviews were with adult Afghan citizens.

The study was conducted in the cities of Kabul, Kandahar, and Mazar-i-Sharif, with four groups and four IDIs in each. Four focus group discussions each were conducted with younger men (16-35), younger women (16-35), older men (over 35) and older women (over 35). The in-depth interviews were conducted with journalists (3), religious scholars working at universities (3), and representatives from CSOs that focus on women's issues (6).

Focus groups are a technique used internationally in social, political, and market research to understand the attitudes and opinions of particular groups within a population. A focus group is a small group (in this study, 8 people) who respond to open-ended questions and statements in a "discussion guide." The group is chosen to be homogenous in social terms (age, gender, education, etc.) and led by a trained moderator with a similar background. The results are qualitative, not quantitative; that is, words, feelings, and ideas rather than numbers, as in a poll.

Unlike a survey, whose claim to reliability is based on the representativeness of its sample, focus group results are meaningful because they reflect the views of typical individuals in specific social groups. Far fewer people participate in a focus group project than in a poll; however, the results are useful because they offer far more detail and nuance on the views of particular groups of interest than a poll might. Focus group results cannot be proportionately extrapolated to the national population, as survey results can, but they do offer an impression of the attitudes of the populace as a whole and of particular subgroups within it.

In-depth interviews are a qualitative research technique used with opinion influencers on complex topics. The point of in-depth interviews is to allow for a semi-structured discussion in which the respondents are treated as experts in whatever field or situation they happen to represent. In-depth interviews are used with elites in place of focus groups.

The focus groups were roughly two hours in length and the in-depth interviews, 30 minutes. Fieldwork was conducted by Research One. It was done in either Pashto or Dari, as appropriate, then transcribed and translated into English by the research firm. Andrea Levy and Craig Charney observed the Kabul groups by live video. Andrea watched the Kandahar and Mazar groups by Skype or listened by telephone, with a translator.

This report was written by Craig Charney and Andrea Levy, and the discussion guide by Craig Charney and Christine Quirk. The research was managed by Shehzad Qazi. Research assistance was provided by Deganit Perez, Erin Diggs, Evan Feldman,

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APPENDIX: PARTICIPANT DETAILS

Focus Groups

Date	City	Gender	Age
March 18	Kabul	Male	16-35
March 18	Kabul	Male	35+
March 19	Kabul	Female	16-35
March 19	Kabul	Female	35+
March 22	Kandahar	Male	18-35
March 22	Kandahar	Male	35+
March 23	Kandahar	Female	35+
March 23	Kandahar	Female	18-35
March 27	Mazar-i-Sharif	Male	18-35
March 27	Mazar-i-Sharif	Male	35+
March 28	Mazar-i-Sharif	Female	18-35
March 28	Mazar-i-Sharif	Female	35+

In-Depth Interviews

Date	City	Respondent Occupation	Gender	Age	Tenure in Position (years)
March 20	Kabul	Media	Male	27	1
March 21	Kandahar	Religious Scholar	Male	43	7
March 22	Kandahar	CSO	Female	55	2
March 22	Kandahar	Media	Male	35	5
March 24	Kandahar	CSO	Female	34	2
March 25	Kabul	Religious Scholar	Male	42	3
March 25	Kabul	CSO	Female	48	8
March 26	Mazar	CSO	Male	28	2
March 26	Mazar	CSO	Female	32	3
March 26	Mazar	Religious Scholar	Male	56	5
March 26	Mazar	Media	Female	42	6
March 28	Kabul	CSO	Female	32	5