



Access to information: From words to action

Assessing implementation of the 2018 Access to Information Law

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Cover Photo: The process of obtaining graduation certificate from the relevant directorate of the Ministry of Education.

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About Integrity Watch

Integrity Watch is an Afghan civil society organization committed to increasing transparency, accountability, and integrity in Afghanistan. Integrity Watch was founded in October 2005 and registered as an independent civil society organization in 2006. The head office of Integrity Watch is in Kabul with provincial programmatic outreach in Balkh, Bamyan, Herat, Kabul, Kapisa, Kunduz, Nangarhar, Paktia, and Parwan provinces of Afghanistan.

Over the last decade, Integrity Watch's work focused on: Community Monitoring, Research, and Advocacy.

Integrity Watch focuses on citizens and community mobilization. Its noteworthy work in this area included the development of community monitoring tools, mobilizing and training communities to monitor infrastructure projects, public services, courts, and extractives industries.

The organization's research work focuses on policy-oriented research, measuring trends, perceptions, and experiences of corruption covering a wide range of related issues including insecurity and justice sectors, extractive industries, public finance, and budget management, and aid effectiveness. The objective is to undertake new, ground-breaking empirical research that would help to set the future agenda, influence decision-makers, bring to the public attention non-documented and un-explored issues.

Integrity Watch has taken up a pioneering role in advocating for knowledge-based decision-making and informed public debate on corruption and integrity issues. The advocacy work includes the facilitation of policy dialogue on issues related to integrity, transparency, and accountability. IWA's policy advocacy focuses on examining the accountability of the government and service providers to the communities they serve. Access to information; budget transparency and accountability; aid transparency and effectiveness; effective public service delivery, and anti-corruption have been studied, to date.

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Foreword

Access to information is a human right that plays a pivotal role in ensuring transparency, improving accountability to the public, and fighting corruption. Afghanistan has come a long way since we first started our campaign for an Access to Information Law back in 2009. It took us five years to finally get an access to information law approved by the government in 2014. Although it was a mediocre law in terms of meeting international standards, it paved the way to a new law that was drafted and approved during my tenure at the Access to Information Commission of Afghanistan as Chief Information Commissioner. The new law which is in force is now considered to be one of the best laws based on the RTI ratings organized by the Centre for Law & Democracy (www.rti-rating.org). Nevertheless, getting a good law in place is only a first step, and probably is an easier one. Implementation of the law is a more long-term process which needs political will and constant efforts from the government machinery and civil society to bring a cultural shift in governance in a country like Afghanistan where authoritarian governments have ruled the country over the last few decades. Integrity Watch has committed itself to monitoring the implementation of this law in the years to come.

Assessing the implementation of any law is not an easy process for various reasons including the lack of methodologies that are comprehensive and which have been tested in various contexts. I am glad we have been able to work with the Center for Law and Democracy to adopt a methodology which they had previously developed to assess the implementation of various aspects of access to information laws around the world. The methodology used in this report is comprehensive and has also been tested in other countries. We believe that this assessment will provide a clear picture of where we stand in terms of the implementation of the best access to information law in the world. Although the picture seems to be a bleak as all of the institutions assessed received a score of less than 50%, nonetheless the assessment establishes a baseline against which we can assess progress in implementation of the law in the coming years and hold the government accountable in this regard.

I would like to thank Toby Mendel of the Center for Law and Democracy for developing a comprehensive methodology to assess access to information laws around the world and for authoring this report. I am thankful to Mr. Ezatullah Adib and Zubaida Karim and our entire research team for planning and implementing the research and data collection. I would also thank all government institutions who partook in this research and assisted us in carrying out this assessment.

On behalf of Integrity Watch Afghanistan, I am humbled to present the report Access to Information: From Word to Action. I hope that this report will generate the much-needed public debate around the implementation of the Access to Information Law.



Sayed Ikram Afzali

Executive Director
Integrity Watch

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Executive Summary

The right of individuals to access information held by the government or public authorities, commonly referred to as the right to information (RTI), is recognized under both international law and the Afghan Constitution as a human right. Afghanistan's current Access to Information Law (ATI Law), adopted in 2018, ranks as the strongest such law in the world, according to the respected RTI Rating. However, it is one thing to have a strong law and another to implement that law properly. On the second anniversary of the adoption of the ATI Law, Integrity Watch Afghanistan has undertaken a comprehensive assessment of the implementation of the Law, relying on the RTI Evaluation, the complementary methodology to the RTI Rating.

This assessment looked at the performance of both the central oversight body, the Afghan Access to Information Commission, and 19 different public authorities working in a wide range of different areas, such as the provision of electricity, the Lower House of Parliament, a number of ministries, the Administrative Office of the President and the Supreme Court. The methodology looks at four different main areas,

Area	Central Measures	Institutional Measures	Proactive Disclosure	Reactive Disclosure	Average
Result	.6154	.3076	.3349	.1491	.3643
Grade					

Overall, Afghanistan achieved a weak yellow grade. This was based mainly on the stronger performance of the Access to Information Commission, which received a strong yellow grade, while individual public authorities received red grades in all three assessment areas relating to them, doing particularly poorly in terms of reactive disclosure. To some extent, this result could be blamed on the relatively recent adoption of the ATI Law, but it is clear that much still needs to be done to improve implementation.

For the Commission, the most important recommendations relate to taking steps to establish itself more firmly, such as by securing a

central measures, focusing on the oversight body, institutional measures, focusing on the formal steps authorities have taken to implement the law, such as by appointing and training a public information officer, and then the two main ways of disseminating information, via proactive disclosure (publishing without waiting for a request) and reactive disclosure (providing information in response to a request).

The RTI Evaluation methodology allocates colour grades for performance in each area and then the overall average performance. These grades are calculated based on scores which are allocated according to a complex formula (described in detail in Annex 7. The way scores are converted to grades is set out in the table below:

Chart for Converting Scores to Grades

Red	Yellow	Green
0-0.33	0.34-0.66	0.67-1.0

And the final grades earned by Afghanistan in the different areas covered by the assessment is reflected in the table below.

more independent budget process, continuing to train its staff and members, making its appeal decisions available online and publishing an annual report. The assessment also concluded that the Commission should continue to raise public awareness about the ATI Law, to provide training to public information officers and to comment on other laws that affect RTI.

The table below shows the aggregated results by public authority. Six of the 19 achieved a yellow grade while the other 13 all got red grades. Not one earned a score of more than 50%. The performance by result area is described in more detail below.

Overall Results by Public Authority

Public Authority	Institutional Measures	Proactive Disclosure	Reactive Disclosure	Average	Percent	Grade
Agriculture	0.5625	0.6281	0.2222	0.4709	47%	
Civil Service	0.5000	0.6906	0.1111	0.4339	43%	
Procurement	0.7500	0.3469	0.1667	0.4212	42%	
Finance	0.5313	0.5188	0.1667	0.4056	41%	
Labour	0.7188	0.3375	0.1111	0.3891	39%	
Attorney General	0.2500	0.6125	0.2222	0.3616	36%	
Higher Education	0.5000	0.3781	0.1111	0.3297	33%	
Electricity	0.3438	0.4469	0.1111	0.3006	30%	
Rural Development	0.3438	0.2375	0.2222	0.2678	27%	
Mines and Petrol	0.2500	0.3469	0.1667	0.2545	25%	
Communications	0.1875	0.3781	0.1111	0.2256	23%	
Health	0.1875	0.2844	0.1667	0.2129	21%	
Transport	0.2813	0.2281	0.1111	0.2068	21%	
Education	0.2500	0.2219	0.1111	0.1943	19%	
Foreign Affairs	0.0000	0.2531	0.1667	0.1399	14%	
Administrative Office of the President	0.1563	0.0813	0.1111	0.1162	12%	
Supreme Court	0.0000	0.1500	0.1667	0.1056	11%	
Wolesi Jirga	0.0313	0.0781	0.1667	0.0920	9%	
Interior	0.0000	0.1438	0.1111	0.0850	9%	

In terms of institutional measures, the assessment again led to a number of structural recommendations for public authorities. These included, among others, appointing and training strong public information officers (only one-half had even appointed one), adopting clear action plans for implementing the ATI Law, including guidelines on the internal processing of requests for information (only one-quarter had done this), publishing annual reports on what they have done to implement the law (one-third had done this), and managing their records in a more effective way.

Proactive disclosure was where public authorities did best on the assessment, albeit still earning only about one-third of the total number of points. In terms of specific types of documents, from among the 12 that were assessed, an average grading of green was earned for three, yellow for four and red for five. Clearly more effort is required in this area. In

terms of the more structural proactive disclosure issues assessed here, no authority earned any points at all for making information available other than via the website, for preparing citizen-friendly versions of documents or for making an effort to facilitate the finding of key information online. Scores were also weak in terms of using social media to communicate with citizens and making websites disabled friendly.

It was, however, in terms of reactive disclosure that public authorities did really poorly, only receiving an average 15% score. Not a single one of the 38 separate requests for information (two to each authority) resulted in full disclosure of the information requested. Almost no public authorities provided a receipt and very few responded in a timely manner. Many of the points earned here were due to the fact that no public authority sought to charge a requester (so full points were earned in that area). Given that, ultimately, RTI laws are primarily about

responding to requests for information, the performance here is disturbing. Basically, all of these public authorities need to put in place proper systems for responding to requests.

By adopting the strongest RTI law in the world, Afghanistan signalled to the world its intention to lead on this issue. That is highly commendable. However, the country now has to do more, specifically by significantly improving its implementation measures. While the task may seem daunting, this detailed assessment of performance sets out a clear way forward. And while perfect implementation may be hard to achieve, a lot of relatively easy steps can be taken to improve performance. The government owes its citizens at least a promise to do much better in this area in future.

Introduction

The right to access information held by public authorities, often referred to as the right to information, is clearly recognised as a human right both under international law and in the Afghan Constitution. This reflects its importance both to democracy in general and to the achievement of individual goals. Among other things, the right to information fosters greater accountability on the part of public authorities, builds greater public trust and more positive engagement between citizens and their government, enables citizens to participate in decision-making, promotes healthy, democratic development practices, and helps to bring corruption under control. It also allows citizens to pursue personal goals and contributes to a strong and fair commercial sector.

Although the right to information was first recognised in the 2004 Afghan Constitution, a law giving effect to this right was not adopted until 2014, in the form of the Access to Information Law (ATI Law). However, a new, much stronger, Access to Information Law was adopted in May 2018 and came into effect the next month. The 2018 Law is not only stronger than the 2014 Law, it is actually the strongest national right to information law in the world, from among nearly 130 such laws, according to the respected Right to Information (RTI) Rating, which measures the strength of legal guarantees for the right to information.¹

While Afghans have good reason to be proud of this impressive achievement, adopting a strong right to information law is only a relatively easy first step. It is far more challenging to implement such a law properly and experience from around the world suggests that many countries adopt strong laws but then face challenges when it comes to implementation.

As the ATI Law approached its second anniversary, Integrity Watch Afghanistan decided to conduct a review of how well implementation is proceeding. For this purpose, it relied on the RTI Evaluation methodology,² which runs in parallel to the RTI Rating methodology, and which focuses on implementation. That assessment was conducted in early 2020 and this report highlights the results.

The report starts by outlining the methodology used, based on the RTI Evaluation. This is followed by sections describing in more detail the specific results obtained in relation to each of the four assessment areas outlined in the RTI

¹ See <https://www.rti-rating.org/country-data/>. The RTI Rating, which was first launched in September 2011, was developed by the Centre for Law and Democracy (<http://www.law-democracy.org>) and Access Info Europe (<http://www.access-info.org>). It assesses the strength of the legal framework for the right to information, based on a comprehensive analysis of international standards and better national practice. The Rating is continuously updated and now covers 128 national laws from around the world. It is the leading tool for assessing the strength of the legal framework for the right to information and is regularly relied upon

by leading international authorities. Information about the RTI Rating is available at: <http://www.RTI-Rating.org>.

² See <http://www.rti-evaluation.org>. The RTI Evaluation, first launched at the 2019 Paris Peace Forum in November 2019, was developed by the Centre for Law and Democracy (<http://www.law-democracy.org>). It reviews implementation of right to information laws looking at a broad range of substantive issues, based on seven different assessment tools or data collection methodologies. As such, it represents the most comprehensive global tool for assessing implementation of right to information laws.

Evaluation. The first of these, Central Measures, looks mainly at how the central oversight body for the right to information, the Afghan Access to Information Commission, is performing. The next three – Institutional Measures, Proactive Disclosure and Reactive Disclosure – look at the performance of a selection of individual public authorities, in this case 19 separate or individual authorities. Each authority is then assessed for how well it is doing in terms of structural or institutional measures – such as appointing and training a public information officer and preparing annual reports on the right to information – in terms of the proactive disclosure of information – i.e. whether it is disseminating important information to citizens even where they do not ask for it – and, finally, in terms of reactive disclosure – or how well it is responding to requests for information. A final section looks at the final grades both for Afghanistan as a jurisdiction and for the 19 public authorities which were assessed.

Methodology

The methodology used to assess how well Afghanistan is doing in terms of implementing the ATI Law was, as has been noted, based closely on the RTI Evaluation methodology. The following sub-sections describe how that methodology, as partially adapted for this exercise, was used.

Selection of Public Authorities

The RTI Evaluation methodology does not attempt to measure the performance of all public authorities in a jurisdiction because that would normally be impossible, given the very large number of them. Instead, it asks reviewers to select at least ten different authorities for assessment, in addition to the oversight body (in this case, the Afghan Access to Information Commission). For this exercise, the performance of the following 19 different public authorities was reviewed: Da Afghanistan Brishna Shirkat (Electricity), Ministry of Higher-Education (Higher Education), Ministry of Rural

Rehabilitation and Development (Rural Development), Ministry of Agriculture, Irrigation and Livestock (Agriculture), Ministry of Communication and Information Technology (Communication), Ministry of Education (Education), Ministry of Finance (Finance), Ministry of Transport (Transport), Ministry of Mines and Petroleum (Mines and Petrol), Ministry of Public Health (Health), Ministry of Interior (Interior), National Procurement Authority (Procurement), Independent Administrative Reform and Civil Service Commission (Civil Service), Ministry of Labour and Social Affairs (Labour), Wolesi Jirga Lower House of Parliament (Wolesi Jirga), Attorney General Office (Attorney General), Administrative Office of the President, Ministry of Foreign Affairs (Foreign Affairs) and the Supreme Court.

Three main criteria were used to select these authorities:

1. A previous access to information rating/scoring survey conducted on these authorities by Integrity Watch Afghanistan on behalf of the Access to Information Commission.
2. The services provided to and engagement with the public on different issues which are directly related to the right to information.
3. Some authorities which appear to be failing to perform well on the right to information, with the aim of using the assessment to improve their performance.

Grading

The methodology uses a complex system to allocate grades for each assessment area and overall, for the country, as well as for each public authority. The criteria used to assess grades is described in detail in the RTI Evaluation methodology upon which this assessment is

based.³ A detailed description of how the methodology is scored is provided in Annex 4. The way scores are converted into grades is set out in Table 3 below.

Table 3: Chart for Converting Scores to Grades

Red	Yellow	Green
0-0.33	0.34-0.66	0.67-1.0

Assessment Tools

The RTI Evaluation methodology prescribes seven different assessment tools to be used to measure performance across four different areas. The assessment tools are: a literature review; a desk review of proactive disclosure (by the public authorities being assessed); a desk review of appeal decisions (by the oversight body); key informant interviews (with a range of individuals including public information officers, staff of the oversight body, frequent requesters and so on); self-assessments (by both the oversight body and the public authorities being assessed); office visits (to the public authorities being assessed); and the making of a series of blind requests for information (again to the public authorities being assessed). For purposes of this assessment, five of the seven assessment tools were used, as described below.

1. A Desk Review of Proactive Disclosure

The proactive disclosure practices of all 19 of the assessed public authorities were reviewed as part of this assessment exercise. The main approach here was to review the websites of these authorities to assess whether they proactively published the documents as required by Article 15(1) of the RTI law of Afghanistan. These included: organisational structure; subordinate departments, provincial and regional units; procedures for citizens' participation in public hearings and consultations and their related reports; bid advertisements and evaluation documents, and

procurement contracts; financial status including budget information and financial and audit reports; services provided to the public; guidelines for making requests for information; domestic and international agreements; policy, strategy and other related plans; categories of information held; information on public information officers; and the annual report relating to the ATI Law. Based on Articles 15(1) and (4) of the RTI law, institutions are required to publish all the information once a year on their websites and in a format that is machine readable.

2. Key Informant Interviews

Key informant interviews were conducted with 17 of the 19 public authorities (not including Foreign Affairs and the Supreme Court, because they failed to provide interviews) and with representatives of different groups as reflected in Table 1 below:

Table 1: Key Informant Interviews

Group	Number
1. Officials	40
2. Media	6
3. Civil society	5
4. Complainants	5
5. Requesters	5
6. Oversight body	1

A full list of those interviewed at both public authorities and from the different groups can be found, respectively, in Annexes 1 and 2. The questionnaires used in these interviews are available as annexes to the full methodology.⁴

3. Office Visits

Office visits were conducted at the same 17 of the 19 public authorities where key informant interviews were conducted, i.e. not including

³ Ibid.

⁴ The full methodology is available at: <http://www.rti-evaluation.org/wp-content/uploads/2020/02/Methodology.20-02-17.pdf>.

Foreign Affairs and the Supreme Court (see Annex 1).

4. Self-Assessments

The methodology envisages two different self-assessments, Self-Assessment 1 with members and staff of the oversight body, in this case the Access to Information Commission, and Self-Assessment 2, to be filled in by each public authority being assessed. The two questionnaires for this are attached, respectively, as Annexes 3 and 4.

Five Self-Assessment 1 questionnaires were filled in by the staff of the Access to Information Commission (AIC). The names and positions of those who filled these in is provided in Table 2 below:

Table 2: Self-Assessment 1 Respondents

Name	Position
1. Bashina Khorasani	Analysis and Evaluation expert
2. Najibullah Qiyas	Web-Expert
3. Nazir Hussain	Complaint Handling specialist
4. Jafar Ehsany	Public Awareness Specialist (partial assessment)
5. Nejat Kabirzada	Procurement Manager

From among the 19 public authorities which were assessed according to this methodology, 13 filled in the Self-Assessment 2 questionnaire, namely: Electricity, Rural Development, Communication, Education, Finance, Transport, Mines and Petrol, Health, Interior, Procurement, Civil Service, Labour and President. The six that did not were: Higher Education, Agriculture, Wolesi Jirga, Attorney General, Foreign Affairs and the Supreme Court. A table of who filled in these self-assessments for each public authority is provided in Annex 5.

We note that the fact that only about two-thirds of all of the public authorities which were

assessed filled in Self-Assessment 2 may introduce some biases into the results. However, it is impossible to postulate as to what those biases might be.

5. RTI Requests

The RTI Requests part of the methodology involves making blind requests for information to each of the public authorities being assessed. There is a detailed protocol governing this, which involves collecting data on various aspects of both procedures – such as whether responses were provided in a timely fashion or any fees charged were appropriate – and the substantive outcome of the request – i.e. was information provided or was any other response appropriate, such as a reasoned refusal, or inappropriate, such as a mute refusal.

For purposes of this part of the assessment, two requests were made to each of the 19 public authorities, and the requests were submitted anonymously. A list of the questions submitted to each authority is provided in Annex 6.

Assessment Areas

In line with the RTI Evaluation methodology, four different areas were assessed. The first, Central Measures, looks at the performance of the Access to Information Commission. The assessment tools used to assess Central Measures were key informant interviews, self-assessments and office visits. As noted above, five different self-assessments for this area were filled in by different actors.

Institutional Measures looks at the systemic actions taken by public authorities to facilitate proper implementation of the ATI Law, while the next two assessment areas – Proactive Disclosure and Reactive Disclosure – look at the actual performance of public authorities in terms of the two main ways of disseminating information to the public. The key assessment tools used for the Institutional Measures assessment area were key informant interviews, especially with officials, and self-assessments.

Since proactive disclosure is about making information available to all citizens, the main assessment tool used for this assessment area is a desk review of proactive disclosure (i.e. a review of whether or not it is possible to find the information online). This is, however, supplemented by key informant interviews with officials and self-assessments. Since reactive disclosure is about information being released in response to a request, the main assessment tool used for this assessment area was the RTI testing methodology (i.e. the making of blind requests for information to each public authority being

assessed). This was supplemented by key informant interviews and self-assessments.

Central Measures

The key oversight body for the right to information under the Afghan ATI Law is the Access to Information Commission (AIC). Members of the Commission were appointed in October 2018 and so had been in place for just a bit over one year at the time this assessment was conducted. The main results from the central assessment here, conducted by Integrity Watch are provided in Table 4.

Table 4: Results of the Central Measures Assessment

Objective Evaluation (Yes = 1; No = 0)		Oversight Body
1	Have the members been appointed?	1
2	Has funding been allocated?	1
3	Does the body recruit its own staff?	1
4	Are the body's appeals decisions available online?	0
5	Has the body produced and published an annual report for the last two years?	0
6	Has the body published a guide for requesters?	0
	Average (Objective Evaluation)	0.5
Qualitative Evaluation (Strongly = 1; Partially = .5; Weakly = 0)		
7	Are the members of the body independent and effective?	1
8	Is the funding provided to the body reasonably sufficient for it to discharge its functions?	0
9	Does the body decide appeals in a timely fashion?	1
10	Are the due process rights of parties respected during appeals?	1
11	Has the body made reasonable efforts to raise public awareness?	0.5
12	How effective are the measures taken to provide training to officials?	0.5
13	Has the body made a reasonable effort to comment on draft laws that affect the right to information?	1
	Average Qualitative Evaluation)	0.7143
	Average	0.6154
	Overall Grade	

As Table 4 shows, the overall grade of the AIC on the assessment is a yellow, although it may be noted that this represents a high yellow (yellow is allocated for scores ranging from .34 to .66).

Table 4 indicates that members have been appointed and are independent and effective (questions 1 and 7). This largely aligns with the responses on the five Self-Assessment 1 questionnaires. However, only 40% of respondents said that the AIC was independent

while 60% said it was partially so, and fully 100% said that its independence could be improved. Looking at the comments provided by respondents, the primary reasons for these responses appear to be the fact that the Commission does not control its own budget and that the budget is not enough. 80% of respondents said that the members were appointed in accordance with the law, but 20% said that this was only partially the case. All respondents indicated that no members have been removed and all respondents also said that the membership of the Commission was diverse. When it came to training, 80% of the respondents said that members had not been trained, while 20% said that they had only received partial training. One respondent noted that there is a plan to provide this training.

According to Table 4, funding has been allocated to the Commission but this is not sufficient for it to discharge its functions (questions 2 and 8). This again aligns with responses to Self-Assessment 1, where 100% of respondents indicated that funding was not enough. The cost of raising awareness was mentioned as one area where funding was not sufficient. When asked how much funding should increase, the three respondents who answered suggested an average percentage increase of 40%, which is quite a significant amount. Only two respondents answered the question about whether funding had increased or decreased, with one giving each answer. Since the Commission has only been in existence for just over one year, it is probably too early to assess this.

Table 4 also indicates that the AIC appoints its own staff (question 3), which aligns with responses on Self-Assessment 1, where 100% of respondents agreed with this. One respondent noted that there are open competitions for all staff positions. However, 75% of respondents indicated that staff were on short-term contracts, with only 25% saying they were on long-term contracts. Similarly, 80% said that the Commission did not have a full staff

complement, with only 20% saying it did. These latter two results suggest that more may need to be done to ensure sustainability of the Commission in terms of staffing. More positively, and in stark contrast to the case for members, 60% of respondents felt that staff had adequate training, 20% that this was partially true and only 20% that training was not adequate.

In terms of appeals, Table 4 indicates that these decisions are not online (question 4) but that appeals are decided in a timely fashion (question 9) and the due process rights of parties are respected during appeals (question 10). Some of these answers contrast with Self-Assessment 1 responses, where 60% of respondents said decisions were online and 40% said they were not. 100% of respondents said that the Commission had a system in place for processing appeals, that the appeals system was geographically accessible and that the Commission took follow-up steps to ensure that its decisions were being implemented, all aligning with the idea of appeals respecting due process rights. Comments here suggested that the Commission needs offices in different parts of the country to be truly accessible, while another comment indicated that the Commission has a plan for this. In terms of follow-up on decisions, communicating with the requester and with the public authority and the AIC mentioning this in their annual reports were mentioned as possible approaches.

80% of respondents also said that the Commission had put in place a system for managing appeals, to ensure that they were decided in a timely fashion. The two respondents that answered this question suggested that the average time to respond to appeals (calculated as an average of their own responses) was 12.5 days, while longer appeals took 16.7 days (an average of the three responses to this question). These are reasonably short time limits.

Question 5 asks whether the Commission has published an annual report for the last two years, and Table 4 indicates it has not. This is in direct contradiction to the Self-Assessment 1

responses, where 100% of the three respondents who answered this question said that a report had been published.

Table 4 indicates that the Commission has not published a guide for requesters (question 6) and gave a 'Partially' response to the question about whether the Commission had made reasonable efforts to raise public awareness. In contrast, responses to Self-Assessment 1 were unanimous (100%) that the Commission had taken steps to raise public awareness. In addition, 67% of the three respondents who answered this question suggested that the Commission had provided advice to individuals, while 75% indicated that the Commission had provided advice to public authorities. In terms of comments on awareness raising, respondents mentioned approaches such as meeting with government and the private sector, holding seminars and workshops, disseminating materials through the website, and activities at private and public universities.

In terms of training, Table 4 indicates that the Commission was only partially effective when training officials (question 12). Somewhat aligning with this, 100% of respondents to Self-Assessment 1 indicated that such training had been provided to public information officers, while 75% said training had been provided to other officials (and 25% said it had not). One public information officer noted during an interview that he had provided internal training on access to information, which is a very positive approach.

Table 4 indicates that the Commission had made a reasonable effort to comment on draft laws affecting the right to information (question 13), while the three respondents to Self-Assessment 1 that answered this question were equally split among saying it had provided comments, it had not and that it sometimes provided comments. One respondent indicated that the Commission's comments on draft laws were available on their website.

Self-Assessment 1 went beyond the issues reflected in Table 4. It also asked whether the

Commission took steps on its own (*suo moto*), beyond appeals, to ensure that public authorities were implementing the law, with 60% of respondents indicating that it did, 20% that it did not and 20% that it did this sometimes. Activities mentioned here by respondents included assessing websites, reaching out to public information officers and putting in place new procedures. 60% again suggested that it used its powers to assess whether public authorities were putting in place structural measures to ensure implementation, such as appointing a public information officer, while 40% said it was not. In contrast, 100% of respondents suggested that the Commission used its regulatory powers to promote compliance with the ATI Law. 75% also indicated both that the Commission had the power to discipline officials and that it had taken other steps to implement the law, with 25% in each case responding in the negative.

Recommendations

The following recommendations are based on the different results reflected in the assessment exercise.

- Additional steps should be taken to improve the independence of the budget process for the AIC so as to ensure that the budget is sufficient (including that it is increased from current levels) and that it is not subject to political manipulation.
- The Commission should take steps to ensure that its members are properly trained, which could include both formal training and/or exposure visits to commissions in other countries, and that its staff receive the training they need to do their jobs.
- Measures should be taken to provide Commission staff with longer-term contracts and to expand the staffing complement so that all of the positions are filled.
- To the extent that this is not already the case, the appeal decisions of the

Commission should be made available online.

- Again, to the extent that this is not already the case, the Commission should prepare and publish, including online, an annual report every year.
- The Commission should continue to raise awareness among the general public about the right to information and its own role within the system and, if this has not already been done, it should publish a guide for the public on the right to information and how to exercise it.
- The Commission should continue to provide training to public information officers and also expand that training to other officials.
- To the extent that this is not already the case, the Commission should comment on all or at least most draft laws that affect the right to information.
- The Commission should think creatively about what additional measures it can take to promote the right to information.

Institutional Measures

This is the first part of the methodology which was broken down according to the 19 individual public authorities which were assessed. The results from this assessment area are provided in Table 6 which shows all 16 factors or questions

that were considered and the scores of each of the 19 public authorities for each question, as well as the average scores achieved both for each question (i.e. across the 19 authorities) and for each authority (i.e. across the 16 questions).

Overall, the result here is poor, with Afghanistan only achieving a red grade, albeit a relatively higher-scoring red grade (with a score of 0.3 and the red grades ranging from 0 to 0.33). 11 of the individual public authorities – Ministry of Communication and Information Technology, Ministry of Education, Ministry of Transport, Ministry of Mines and Petrol, Ministry of Public Health, Ministry of Interior Affairs, Wolesi Jirga, Attorney General, President, Ministry of Foreign Affairs and Supreme Court – also got a red grade, with three of them – Interior, Foreign Affairs and Supreme Court – not scoring any points at all. Another six – Da Afghanistan Brishna Shirkat (Electricity), Ministry of Higher Education, Ministry of Rural Rehabilitation and Development, Ministry of Agriculture, Irrigation and Livestock, Ministry of Finance and Civil Service – received a yellow grade while only two – Procurement and Labour – received a green grade.

Looking at the average scores by question across all 19 public authorities, these were divided almost equally with seven obtaining yellow grades and nine obtaining red grades, as reflected in Table 5.

Table 5: Institutional Measures' Grades by Question

Red Grade	Yellow Grade
Q4: Has an implementation plan been adopted?	Q1: Has the PIO been appointed?
Q5: Has a set of guidelines for processing requests been adopted?	Q2: Has the PIO been given formally ToRs?
Q8: Does the authority publish annual reports?	Q3: Has the PIO been provided with training?
Q9: Does the authority conduct awareness-raising activities?	Q6: Is it: possible to lodge requests electronically; easy to obtain a request form; easy to find the PIO contact details?
Q10: Has the authority improved its records management?	Q7: Has a person been appointed to deal with internal complaints?
Q13: How strong is the implementation plan?	Q11: Does the PIO have appropriate qualifications and time to do the job?

Q14: How strong is the annual report?	Q12: Is the PIO politically pressured?
Q15: How extensive is awareness-raising?	
Q16: How effective are the records management measures?	

From among these, three questions – namely questions 9, 14 and 15 – got less than half of the points even with the red grade range (i.e. were below 0.165). On the other hand, only one question – namely question 1 on the appointment of the public information officer – got above a 50% or .50 score, specifically of 0.53.

Looking more closely at these results, and correlating them with the results from the responses to the 13 completed Self-Assessment 2 questionnaires, reveals some interesting

discrepancies. As noted above, question 1 of Table 6 indicates that only 53%, or 10 out of the 19 authorities, had appointed a public information officer (PIO) and, according to question 2, this had been done formally in only 37% of the cases (seven authorities). In contrast, fully 92% of the 13 respondents to Self-Assessment 2, representing 12 of the 13 authorities involved, said that a PIO had not only been appointed but had been given terms of reference or a job description. Clearly these results are incompatible.

Table 6: Results of the Institutional Measures Assessment

	Electricity	Higher Education	Rural Development	Agriculture	Communications	Education	Finance	Transport	Mines and Petro	Health	Interior	Procurement	Civil Service	Labour	Womens Jirga	Attorney General	AOP	Foreign Affairs	Supreme Court	Criteria Average	Overall Avg
Objective Evaluation (Yes = 1; No = 0)																					
1	1	1	1	1	1	0	1	0	0	0	0	1	1	1	0	0	1	0	0	0.53	
2	1	1	1	1	0	0	0	0	0	0	0	1	1	1	0	0	0	0	0	0.37	
3	1	1	1	1	0	0	1	0	0	0	0	1	1	1	0	0	0	0	0	0.42	
4	0	1	0	1	0	0	1	0	0	0	0	1	0	1	0	0	0	0	0	0.26	
5	0	0	0	1	0	0	0	1	0	0	0	1	0	1	0	0	0	0	0	0.21	
6	1	0	1	1	0	1	1	0	1	0	0	1	0	1	0	1	0	0	0	0.47	
7	0	0	0	1	1	1	0	0	1	1	0	0	1	1	0	0	1	0	0	0.42	
8	0	1	0	0	0	0	1	0	0	0	0	1	1	1	0	1	0	0	0	0.32	
9	0	1	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0.16	
10	0	0	0	0	0	1	1	1	0	1	0	1	0	0	0	0	0	0	0	0.26	
Average (Objective Evaluation)	0.4	0.6	0.4	0.7	0.2	0.3	0.6	0.3	0.2	0.2	0	0.8	0.5	0.9	0	0.2	0.2	0	0		
Qualitative Evaluation (Strongly = 1; Partially = .5; Weakly = 0)																					
11	0.5	0.5	0.5	0.5	0.5	0	0.5	0	0.5	0.5	0	1	1	1	0	0	0	0	0	0.37	
12	1	0.5	0.5	0.5	0.5	0.5	0.5	0.5	1	0.5	0	0.5	0.5	0.5	0	0.5	0.5	0	0	0.45	
13	0	0.5	0.5	0.5	0	0	0.5	0	0	0	0	1	0.5	0.5	0	0	0	0	0	0.21	
14	0	0.5	0	0	0	0	0	0	0	0	0	0	0.5	0.5	0.5	1	0	0	0	0.16	
15	0	0	0	0	0	0	0	0.5	0	0	0	0.5	0	0	0	0	0	0	0	0.05	
16	0	0	0	0.5	0	0.5	1	0.5	0.5	0	0	1	0.5	0	0	0.5	0	0	0	0.26	
Average (Qualitative Evaluation)	0.2500	0.3333	0.2500	0.3333	0.1667	0.1667	0.4167	0.2500	0.3333	0.1667	0.0000	0.6667	0.5000	0.4167	0.0833	0.3333	0.0833	0.0000	0.0000		
Average by Authority	0.3438	0.5000	0.3438	0.5625	0.1875	0.2500	0.5313	0.2813	0.2500	0.1875	0.0000	0.7500	0.5000	0.7188	0.0313	0.2500	0.1563	0.0000	0.0000		
Colour Grade by Authority																					
Overall Average																					0.3076
Overall Grade																					

There are a number of other discrepancies between the results, as set out in Table 6 above, and the self-assessments, as follows. Question 3 from Table 6 indicates that 42% of PIOs have been trained, while respondents to Self-Assessment 2 suggested that the rate was 77%. Question 11 of Table 6 provides a score of 37% regarding the issue of whether PIOs have appropriate qualifications and have been given time to do their jobs (partial scores of 0.5 were allowed for this question), while respondents to Self-Assessment 2 suggested that 85% had been allocated time. Question 12, the last relating to PIOs from Table 6, returns a score of 45% in relation to whether PIOs have come under political pressure, while only 31% of Self-Assessment 2 respondents agreed with this and 69% disagreed. Furthermore, when asked whether other staff cooperate with the PIO, fully 92% of Self-Assessment 2 respondents indicated that they did (and 100% said other staff had been asked to cooperate). Self-Assessment 2 also asked whether PIOs have access to appropriate equipment, with 92% of respondents suggesting that they did.

Question 4 from Table 6 asks whether an implementation plan or set of standard

operating procedures has been adopted, and garnered a score of just 25%, while a score of only 21% was indicated in Table 6 for Question 13, on how strong the plan of action was. In stark contrast, respondents to Self-Assessment 2 suggested that 85% of authorities had adopted such a plan while 100% of those answering this in the affirmative claimed that the plan was also effective.

Question 5 from Table 6, on whether the authority has adopted guidelines for processing requests, garnered a score of just 21% but, here again, a very different result was reflected in the Self-Assessment 2 responses, where 77% of respondents claimed that requesting procedures had been adopted.

Table 7 bundled three issues relating to the ease of making requests into question 6, namely whether it is possible to make requests electronically, whether it is easy to obtain a request form and whether it is easy to find the contact details of the PIO, with an overall score of 47%, one of the higher scores in the area of Institutional Measures. In contrast, Self-Assessment 2 broke this down into 12 different questions, with the results outlined in Table 7:

Table 7: Self-Assessment 2 Questions on Ease of Making Requests

Question	Result ('Yes')
1. It is easy to make a request?	100%
2. Can this be done electronically?	92%
3. Can this be done in person?	92%
4. Can this be done by post?	91%
5. Are the PIO's contacts posted online?	100%
6. Are the PIO's contacts available at the office?	83%
7. Is it possible to submit requests electronically?	92%
8. Is it possible to submit requests in person?	100%
9. Is it possible to submit requests by mail?	100%
10. Do you need to use the form to submit a request?	38%
11. Is the form for making requests easily accessible?	100%
12. Do you need to prove citizenship to make a request?	46%

Question 7 from Table 6 asks whether a different person than the PIO has been designated to deal with internal complaints relating to requests for information, and gets a score of 42%⁵. Once again, Self-Assessment 2 goes further asking three different questions about complaints, namely whether a complaints officer (different from the PIO) has been appointed (69%), whether procedures for processing complaints has been adopted (77%) and whether complaints were processed in a timely manner (92%). It may be noted that these responses seem to be internally inconsistent. For example, how could 92% of authorities process complaints quickly while only 69% had designated an individual to do this?

Question 8 from Table 6 asks whether the public authority has published an annual report on the right to information for the last two years (32%), while question 14 asks how strong the report is (16%). Once again, these scores are entirely different from the related responses to Self-Assessment 2, which claim that 85% of authorities have published an annual report.

Two questions in Table 6 address the issue of awareness raising among the public: question 9, asking whether this had been done (16%), and question 15, asking how extensive this was (5%). Together, these represent the worst scores for any set of questions about the oversight body. And, once again, there was a significant contrast with the Self-Assessment 2 responses, with 85% of respondents claiming that authorities had engaged in public awareness raising activities.

Finally, there were again two questions in Table 6 on records management, question 10, asking whether the authority had put in place any system for this (26%), and question 16, asking how effective any measures for records management were (26% again). Respondents to Self-Assessment 2, on the other hand, claimed

that 82% of authorities had taken steps to improve their records management.

As shown above, in almost every single case there is a huge discrepancy between the official results, recorded in Table 6, and the results from the Self-Assessment 2. Given that the latter is a self-assessment, and taking into account that the representatives public authorities who filled this in may have had a tendency to paint the performance of their authorities in a relatively positive light, the Table 6 results have to be considered as far more reliable. It may be noted that the Table 6 results were drawn mainly from direct interviews with key informants inside the 19 public authorities, a reliable method of data collection.

Based on this, and with the exception of the two authorities which attained a green grade – namely Procurement and Labour – it may be concluded that, across the board, the public authorities assessed have a long way to go to put in place the systemic or structural measures that are required to implement the ATI Law.

Recommendations

The following recommendations are mainly based on the results reflected in the formal assessment exercise, as set out in Table 6, as compared to the results provided through the self-assessments.

A starting point for successful implementation of right to information legislation is the formal appointment and training of an appropriately qualified PIO. Once appointed, PIOs need to be able to do their jobs properly, free of political interference. Although, relatively speaking, the 19 public authorities assessed did better on the five questions about this, they still did relatively poorly, with only one score above 50%.

- All public authorities should formally appoint and then train an appropriately

⁵ This is important since, if the same person considers internal complaints, the result will almost always be the same as the original consideration.

qualified PIO and allow this person to do their jobs properly, free of political interference. A different, more senior individual should be appointed to serve as the person who processes internal complaints.

- Once appointed, the PIO or, if he or she is not senior enough, another more senior officer, should lead a process whereby each public authority adopts a strong action plan or standard operating procedure for achieving all of the obligations the ATI Law creates for it.
- Guidelines for the processing of requests for information should either be incorporated into the plan or adopted separately. These should make it easy to make requests, including in different ways (electronically, by post, in person), and public authorities should ensure that forms for making requests and the contact details of the PIO are easily accessible both online and at their public offices.
- All public authorities should prepare and publish, including online, a annual report each year setting out in detail what they done in the past year to implement the ATI Law.
- Public authorities should engage in broad public awareness raising activities, taking into account the different ways in which they interact directly with members of the public.
- All public authorities should ensure that the manner in which they manage their records is effective, including so that they can easily locate information which is the subject of a request for information.

Proactive Disclosure

Proactive disclosure refers to the activity of disclosing information publicly regardless of whether or not anyone has made a specific request for that information. Driven largely by

technological advances, public authorities in countries around the world are disclosing vastly more information proactively, mainly online, than was the case in the past.

The main results from this part of the assessment are provided in Table 9 which shows the achievement in terms of the proactive disclosure of 12 types or categories of information, as well as five other issues relating to proactive disclosure, for each of the 19 public authorities, as well as the averages achieved both for each category and issue (i.e. across the 19 authorities) and for each authority (by category, by issue and then for categories and issues combined).

Here again the result is poor, with Afghanistan only achieving a red grade, albeit a higher-scoring red grade (with a score of 0.33 at the very top of the red grade range of 0 to 0.33). Only one public authority – Civil Service – got a green grade here. Eight others – Electricity, Higher Education, Agriculture, Communications, Finance, Mines and Petrol, Procurement and Attorney General – got a yellow grade and the other ten – Rural Development, Education, Transport, Health, Interior, Labour, Wolesi Jirga, President, Foreign Affairs and Supreme Court – got a red grade. The two lowest scoring authorities, which did not even reach a score of 10%, were the Wolesi Jirga and the President, with the Supreme Court not far ahead.

Looking now just at categories of information published, the overall average here was a weak yellow grade. This clearly shows room for improvement but it is at least a reasonably respectable result.

Three authorities – Agriculture, Civil Service and Attorney General – got a green grade on categories of information published, eight – Electricity, Higher Education, Rural Development, Communications, Finance, Mines and Petrol, Procurement and Labour – got a yellow grade and the other eight – Education, Transport, Health, Interior, Wolesi Jirga, President, Foreign Affairs and Supreme Court – got a red grade. The top performer was Civil

Service, with an impressive score of 85%, while the laggards were again the President (4%) and the Wolesi Jirga (10%).

In terms of the five other issues – was the website enabled for those with disabilities, were efforts made to disseminate information other than online, were social media/smartphone apps used to disseminate information, were citizen-friendly versions of important documents produced and was it easy to find information –

all 19 of the public authorities got a poor red grade of 20% or less. This shows that a lot still needs to be done to improve on these issues.

Looking at the average scores by category of information across all 19 public authorities, these were divided roughly equally with three obtaining green grades, four obtaining yellow grades and five obtaining red grades, as reflected in Table 8.

Table 8: Average Performance by Category of Information

Red Grade	Yellow Grade	Green Grade
1. Information on provincial offices	1. Details of the budget	1. Organisation and structure
2. Procedures and mechanisms related to public participation	2. Guidelines for requesters and complainants	2. Policies, strategies and related work plan
3. Information on bidders, and related documents and procurement contracts	3. Relevant domestic and international agreements and protocols	3. Information on public information officers
4. Services provided to the public	4. Categorisation of information held	
5. Annual report related to ATI law		

It is hard to discern much of a pattern here.

Table 9: Results of the Proactive Disclosure Assessment

PROACTIVE DISCLOSURE																				
	Electricity	Higher Education	Rural Development	Agriculture	Communications	Education	Finance	Transport	Mines and Petrol	Health	Interior	Procurement	Civil Service	Labour	Wolesi Jirga	Attorney General	Aop	Foreign Affairs	Supreme Court	Category Average
SUBSTANTIVE ISSUES																				
Organisation and structure	1	0.75	1	1	1	0.75	1	0.25	0.25	0.5	0.75	0.75	1	0.75	0.75	1	0	1	1	0.76
Information on provincial offices	0	0	0	1	0	0	0	0	0	0	0.75	0	0.75	0.75	0	0.5	0	0	0	0.20
Procedures and mechanisms related to public participation	1	0	0	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0.21
Information on bidders, and related documents and procurement contracts	1	0	0	1	0.5	0	0	0.5	0	1	0	1	1	0	0	0	0	0	0	0.32
Details of the budget	0.75	0.75	0	1	0.75	0	1	0	0.25	0.5	0	0.25	0.75	0.5	0	0.75	0	0	0.25	0.39
Services provided to the public	0	0.25	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0.25	0	0.13
Guidelines for requesters and complainants	0	1	0	1	0	0	1	0	0.5	0	0	1	1	1	0	0.75	0	0	0	0.38
Relevant domestic and international agreements and protocols	0.5	0	0	1	0.5	0	1	0	1	0	0	0	0.75	0	0	1	0.5	0.75	0	0.37
Policies, strategies and related work plan	0.75	0.75	0.75	1	1	0.5	0.75	0.5	1	1	0	0.75	1	1	0.25	1	0	0.5	0.75	0.70
Categorisation of information held	0.75	0.75	0.25	0.25	0.5	0.5	0	1	0.75	0.75	0	0	1	0	0.25	0	0	0	0	0.36
Information on public information officers	1	1	1	1	1	1	1	1	1	0	0	1	1	1	0	1	0	0.75	0	0.72
Annual report related to ATI law	0	0	0	0	0	0	0.75	0	0	0	0	0	1	0	0	1	0	0	0	0.14
Average Substantive Issues	0.56	0.44	0.25	0.77	0.44	0.23	0.63	0.27	0.40	0.31	0.13	0.40	0.85	0.42	0.10	0.75	0.04	0.27	0.17	0.3904
OTHER ISSUES																				
Is the website WCAG 2.0 compliant?	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	n/a	0.5	0.5	0.5	0.5	0.50
Efforts to disseminate information other than simply via its website	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00
Use of social media/smartphone apps to highlight proactive publication	0	0.5	0.5	0.5	0.5	0.5	0.5	0	0.5	0.5	0.5	0.5	0.5	0	0	0.5	0.5	0.5	0	0.37
Understandable versions of the most important documents (e.g. budget)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00
Ease of finding information	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00
Average Other Issues	0.1	0.2	0.2	0.2	0.2	0.2	0.2	0.1	0.2	0.2	0.2	0.2	0.2	0.1	0	0.2	0.2	0.2	0.1	0.1737
Total Score by Authority	0.4469	0.3781	0.2375	0.6281	0.3781	0.2219	0.5188	0.2281	0.3469	0.2844	0.1438	0.3469	0.6906	0.3375	0.0781	0.6125	0.0813	0.2531	0.1500	0.3362
Grade by Authority																				
Overall Average																				0.3349
Overall Grade																				

Looking at the other issues, no public authority scored any points at all for fully three of these issues – namely making an effort to disseminate information other than online, producing citizen-friendly versions of important documents and ensuring that information is easy to find – with the result that their average score was also 0. The two other issues here – enabling the website for those with disabilities and using social media/smartphone apps to disseminate information – achieved yellow grades.

In this area, as with Institutional Measures, the responses to the relevant questions on the Self-Assessment 2 questionnaires were substantially more positive. 92% of respondents suggested that their public authority disclosed “all or most of the types of information” required by the ATI Law (compared to the overall average of just 39% across all categories of information as reflected in Table 9). 73% of respondents claimed that their authorities went beyond the minimum requirements.

In terms of the other issues, 82% of respondents claimed that their websites were WCAG 2.0 (Web Content Accessibility Guidelines) compliant (i.e. enabled for those with disabilities), as compared to the 50% score reflected in Table 9. 100% said that disclosure took place other than just over the website, as compared to 0% in Table 9, although this might be explained in part by different interpretations of the question (since it seems reasonable to assume that at least some disclosure must take place offline whereas the assessment in Table 9 was whether this form of disclosure was ‘Strong’, ‘Partial’ or ‘Weak’). 62% of respondents claimed that their authority disseminated simple versions of key documents, so that citizens could understand them, as compared to 0% in Table 9.

For this assessment area, as well, the official, Table 9, results will be taken as more authoritative. Here, the main assessment tool used was researchers looking directly to see whether the categories of information were available online and through other means. If a

researcher could not find the information, it is not effectively available to the public.

Recommendations

Despite the positive claims made by respondents about proactive disclosure in the Self-Assessment 2 questionnaires, it seems clear that public authorities in Afghanistan still have a lot to do to improve in terms of this means of disseminating information to the public.

- All public authorities need to do much better in terms of disclosing proactively at least the list of categories of information set out in Article 15 of the ATI Law. Two areas where performance particularly needs to be improved are in relation to opportunities for public participation and services provided to the public. Once this has been done, an effort should be made to go beyond that and publish other information that may be of interest to the public.
- All public authorities should work to ensure that their websites are WCAG 2.0 compliant. This is essential not only to ensure equality for citizens in terms of access to information but also in terms of obtaining all services from government.
- All public authorities should disseminate information not only via their websites but in other ways as well, so as to ensure that those who need to access this information can do so in practice. An effort should also be made to support online dissemination of information with messages about this on social media and via smartphone apps.
- All public authorities should prepare citizen-friendly versions of key documents which are otherwise hard for ordinary citizens to understand, such as their budgets.
- All public authorities should work to ensure that it is relatively easy for people to navigate their websites and to find the information that they are seeking.

Reactive Disclosure

Reactive disclosure refers to the manner in which public authorities respond to the requests for information that they receive. The main way this was assessed was via making two actual requests for information from each public authority and then monitoring how the authority responded to those requests. The results of this exercise are provided in Table 11 which shows a number of results for each separate request, namely whether a receipt was provided, whether a timely response was provided and whether a fee was charged (the processing issues), as well as the overall result (i.e. what ultimately happened with the request). A process score has been generated by averaging the results of the three processing issues and a result score has also been generated (see above under Methodology/Reactive Disclosure for a description of how this was done). This leads to a final score for each request, as well as for each public authority (the average of the scores for their two requests), as well as the overall averages for processing, result and final score.

The overall score here is by far the weakest for any assessment area, with Afghanistan only achieving a very weak red grade overall, with a score of just .15. Every single public authority achieved only a weak red grade here, with .22 being the top score – obtained by only Rural Development, Agriculture and Attorney General – with all of the others getting even weaker scores. Not a single public authority got any points at all in terms of the result score, meaning that not even one provided reasonably adequate information to a requester in response to their request for information. This led to an average result score of 0. Given that this is the primary aim of a right to information law, this can only be described as a very disappointing result.

Probing a bit more deeply into this, four different types of results were obtained, with the frequencies reflected in Table 10.

Table 10: Types and Frequencies of Results for Requests

Result	Frequency
1. Mute refusal (no response at all)	27
2. Acknowledgement only	6
3. Incomplete information provided	4
4. Oral refusal	1

Given that this is dominated by mute refusals, i.e. a failure to respond at all to a request, are the most profound denial of the right to information, this is again very disappointing.

Matters were a little bit more positive on the processing side with 12 of the 38 requests getting a green grade and one – Attorney General – getting a perfect score of 100%. The overall processing result was a yellow grade. However, this was mainly due to the fact that no public authority charged a fee, which was largely a given since almost none provided any information. As such, the perfect score here for all authorities is a bit misleading (obviously no fee can be charged if no information is provided). Only 8 of the 38 requests, or 21%, were processed in a timely fashion and a receipt was provided for only 5 of the 38 requests, or 13%.

Most of the requests – 24 of the 38 – were submitted by email and the remaining 14 were submitted by hand. Four of the five receipts were given to requests submitted by hand, suggesting that the system for providing receipts by email is not very effective. On the other hand, only one of the 8 requests which were processed in a timely fashion was submitted by hand, suggesting that, overall, email processing may be more effective.

Table 11: Results of the Reactive Disclosure Assessment

REACTIVE DISCLOSURE															
Public Authority	Question	Date Submitted (D-M-Y)	How filed	Receipt?	Receipt score	Date of response (D-M-Y)	Timely score	Fee Charged	Fee score	Process score	Result	Result score	Final score	Score by authority	Grade by authority
PA 1 (Electricity)	Q1	12/6/2023	Email	No	0		0	0	1	0.33	Mute	0	0.11	0.1111	
	Q2	12/27/2023	Email	No	0		0	0	1	0.33	Mute	0	0.11		
PA 2 (Higher Education)	Q1	12/6/2023	Email	No	0		0	0	1	0.33	Mute	0	0.11	0.1111	
	Q2	12/28/2023	Hand	No	0		0	0	1	0.33	Mute	0	0.11		
PA 3 (Rural Development)	Q1	12/6/2023	Email	No	0	12/15/2018	1	0	1	0.67	Incomplete	0	0.22	0.2222	
	Q2	12/29/2023	Email	No	0	12/29/2023	1	0	1	0.67	Acknowledge	0	0.22		
PA 4 (Agriculture)	Q1	12/6/2023	Email	No	0	12/18/2023	1	0	1	0.67	Acknowledge	0	0.22	0.2222	
	Q2	12/27/2023	Email	No	0	12/27/2023	1	0	1	0.67	Acknowledge	0	0.22		
PA 5 (Communications)	Q1	12/6/2023	Email	No	0		0	0	1	0.33	Mute	0	0.11	0.1111	
	Q2	12/27/2023	Hand	No	0		0	0	1	0.33	Mute	0	0.11		
PA 6 (Education)	Q1	12/6/2023	Email	No	0	12/29/2023	0	0	1	0.33	Incomplete	0	0.11	0.1111	
	Q2	12/27/2023	Hand	No	0		0	0	1	0.33	Mute	0	0.11		
PA 7 (Finance)	Q1	12/6/2023	Email	No	0	12/6/2023	1	0	1	0.67	Acknowledge	0	0.22	0.1667	
	Q2	12/27/2023	Hand	No	0		0	0	1	0.33	Mute	0	0.11		
PA 8 (Transport)	Q1	12/6/2023	Email	No	0		0	0	1	0.33	Mute	0	0.11	0.1111	
	Q2	1/6/2024	Hand	No	0		0	0	1	0.33	Mute	0	0.11		
PA 9 (Mines and Petrol)	Q1	12/6/2023	Email	No	0		0	0	1	0.33	Mute	0	0.11	0.1667	
	Q2	12/10/2023	Hand	No	0	12/18/2023	1	0	1	0.67	Mute	0	0.22		
PA 10 (Health)	Q1	12/31/2023	Hand	Yes	1		0	0	1	0.67	Mute	0	0.22	0.1667	
	Q2	12/6/2023	Email	No	0		0	0	1	0.33	Mute	0	0.11		
PA 11 (Interior)	Q1	12/6/2023	Email	No	0		0	0	1	0.33	Mute	0	0.11	0.1111	
	Q2	1/6/2024	Email	No	0		0	0	1	0.33	Oral Refusal	0	0.11		
PA 12 (Procurement)	Q1	12/7/2023	Email	No	0	12/19/2023	1	0	1	0.67	Acknowledge	0	0.22	0.1667	
	Q2	12/18/2023	Hand	No	0		0	0	1	0.33	Mute	0	0.11		
PA 13 (Civil Service)	Q1	12/6/2023	Email	No	0		0	0	1	0.33	Mute	0	0.11	0.1111	
	Q2	12/13/2023	Hand	No	0		0	0	1	0.33	Mute	0	0.11		
PA 14 (Labour)	Q1	12/7/2023	Email	No	0		0	0	1	0.33	Mute	0	0.11	0.1111	
	Q2	1/6/2024	Hand	No	0		0	0	1	0.33	Mute	0	0.11		
PA 15 (Wolesi Jirga)	Q1	12/6/2023	Email	No	0		0	0	1	0.33	Mute	0	0.11	0.1667	
	Q2	12/13/2023	Hand	Yes	1		0	0	1	0.67	Mute	0	0.22		
PA 16 (Attorney General)	Q1	12/6/2023	Email	No	0	12/18/2023	0	0	1	0.33	Acknowledge	0	0.11	0.2222	
	Q2	1/5/2024	Email	Yes	1	1/6/2024	1	0	1	1.00	Incomplete	0	0.33		
PA 17 (President)	Q1	12/6/2023	Email	No	0	12/18/2023	0	0	1	0.33	Mute	0	0.11	0.1111	
	Q2	1/7/2024	Hand	No	0		0	0	1	0.33	Mute	0	0.11		
PA 18 (AOP)	Q1	12/6/2023	Email	No	0	12/18/2023	0	0	1	0.33	Incomplete	0	0.11	0.1667	
	Q2	12/10/2023	Hand	Yes	1		0	0	1	0.67	Mute	0	0.22		
PA 19 (Supreme Court)	Q1	12/6/2023	Email	No	0		0	0	1	0.33	Mute	0	0.11	0.1667	
	Q2	1/7/2024	Hand	Yes	1		0	0	1	0.67	Mute	0	0.22		
Average Score					0.13		0.2105		1	0.45		0	0.1491		
Grade by Area															
Overall Grade															

A number of the questions in the Self-Assessment 2 questionnaires related to the processing of requests. Once again, these results differ markedly from those obtained via other methodologies, in this case the request testing. When asked whether they provided receipts to requesters, 64% of respondents answered in the affirmative, with 18% each saying 'No' and 'Sometimes', a rather different result than the 13% of requesters who in fact got receipts.

When asked how long, on average, it took to respond to requests, the overall average of the 11 (out of 13) responses provided here was 5.5 days. Again, this may be contrasted with the experience of requesters, only 21% of whom received responses within the 10 working days allowed under the ATI Law. On the other hand, 83% of respondents acknowledged that extensions to the time limits were sometimes sought, which is allowed under the ATI Law, but only for another ten working days. An average of the four responses which addressed this indicated that extensions were only requested 6% of the time. No extension was formally imposed in any relation to any of the 38 requests made as part of the testing exercise. 42% of respondents also acknowledged that sometimes their authorities went beyond even the extended time limit in responding to requests. These latter answers do render the responses to the Self-Assessment 2 questionnaires more compatible with the testing experience.

Interestingly, while 89% of respondents said that no fee was levied simply for making a request, 11% (representing one respondent) said that a fee was levied for this. None of the requesters were charged any fees at all.

Self-Assessment 2 went beyond the scope of the request testing exercise in a number of respects. When asked whether assistance was provided when needed, 92% of respondents said 'Yes', while 8% said 'Sometimes'. In relation to transfers of requests (where the original public authority does not hold the information), the average time taken for this, according to the 11

respondents who answered this question, was 4.73 days. This appears to be rather long for transfers, with some national ATI laws setting five days as an absolute time limit for this.

58% of respondents indicated that requesters sometimes ask for information in a particular format (such as electronically or in a photocopy), with 42% suggesting that this did not happen. Only 67% indicated that they provided the information in the format requested, versus 33% who did not, but in some cases a negative response here was correlated with respondents who indicated that no requester had asked for information in a particular format, which is not possible, so there may have been some confusion about the question.

Only five respondents provided a specific percentage when asked how often they refused requests, and the average for these respondents was just 1%, which seems impossibly low (taking into account that some refusals are legitimate, for example where information actually is confidential). Only one of the requests from the testing exercise was actually refused, and that was an (illegitimate) oral refusal but since a large majority of the requests were simply ignored (mute refusal), it is difficult to draw any conclusion from this. 91% of respondents indicated that where a request had been refused, the requester was informed about this.

Recommendations

There is clearly very significant room for improvement in terms of the manner in which public authorities process requests for information. Given that the primary aim of a right to information law is to enable such requests, the failure here is of the greatest importance. It is likely that this result was due in part to failures in terms of Institutional Measures and, in particular, the fact that nearly 50% of the 19 public authorities assessed had not even appointed a PIO, the individual who would normally be responsible for processing requests, while larger numbers had not done so formally, not provided training to the PIO or not appointed

someone with appropriate qualifications for this position.

- All public authorities should significantly improve their systems for processing requests for information so that the responses that were experienced during the testing exercise – namely mute refusals, mere acknowledgement of requests without further processing, the provision of substantially incomplete information and oral refusals – either do not happen at all or happen only very rarely.
- Among other things, to achieve the above, public authorities should:
 - Provide a receipt as soon as possible whenever individuals make requests for information.
 - Process requests in a full, timely and proper fashion, formally imposing extensions in a timely manner and only

where the request really cannot be processed within the original ten-day limit.

- Ensure that where information is provided it responds to the request in a complete rather than merely partial manner.
- Provide any refusals in writing, as required by the law.

Final Grades

The sections above look at the results from the perspective of the four assessment areas covered by the RTI Evaluation methodology, namely Central Measures, Institutional Measures, Proactive Disclosure and Reactive Disclosure. This final section looks at the overall results or grades, both for Afghanistan as a whole – based on all four assessment areas – and for each discrete public authority. Table 12 shows the overall results for Afghanistan

Table 12: Overall Results of the Assessment for Afghanistan

Area	Central Measures	Institutional Measures	Proactive Disclosure	Reactive Disclosure	Average
Result	.6154	.3076	.3349	.1491	.3643
Grade					

This shows that Afghanistan just slips into the bottom of the yellow grade area, largely because of its relatively stronger performance in terms of Central measures, and undermined by its exceptionally weak performance in terms of Reactive Disclosure.

The results by public authority, based on the three assessment areas which are broken down by authority, are provided in Table 13. Six authorities – namely Agriculture, Finance, Procurement, Civil Service, Labour and Attorney

General got yellow grades, while the other 13 – namely Electricity, Higher Education, Rural Development, Communication, Education, Transport, Mines and Petrol, Health, Interior, Wolesi Jirga, President, Foreign Affairs and Supreme Court – got red grades. Overall, Agriculture did the very best, with a 47% score, followed by Civil Service, with 43%. At the other end of the spectrum, Interior did the very worst, with just 9%, followed by Wolesi Jirga, also with 9%.

Table 13: Overall Results by Public Authority

Public Authority	Institutional Measures	Proactive Disclosure	Reactive Disclosure	Average	Percent	Grade
Agriculture	0.5625	0.6281	0.2222	0.4709	47%	
Civil Service	0.5000	0.6906	0.1111	0.4339	43%	
Procurement	0.7500	0.3469	0.1667	0.4212	42%	
Finance	0.5313	0.5188	0.1667	0.4056	41%	
Labour	0.7188	0.3375	0.1111	0.3891	39%	
Attorney General	0.2500	0.6125	0.2222	0.3616	36%	
Higher Education	0.5000	0.3781	0.1111	0.3297	33%	
Electricity	0.3438	0.4469	0.1111	0.3006	30%	
Rural Development	0.3438	0.2375	0.2222	0.2678	27%	
Mines and Petrol	0.2500	0.3469	0.1667	0.2545	25%	
Communications	0.1875	0.3781	0.1111	0.2256	23%	
Health	0.1875	0.2844	0.1667	0.2129	21%	
Transport	0.2813	0.2281	0.1111	0.2068	21%	
Education	0.2500	0.2219	0.1111	0.1943	19%	
Foreign Affairs	0.0000	0.2531	0.1667	0.1399	14%	
AOP	0.1563	0.0813	0.1111	0.1162	12%	
Supreme Court	0.0000	0.1500	0.1667	0.1056	11%	
Wolesi Jirga	0.0313	0.0781	0.1667	0.0920	9%	
Interior	0.0000	0.1438	0.1111	0.0850	9%	

Conclusion

Afghanistan is one of nearly 130 countries around the world that has adopted a law giving individuals a right to access information held by public authorities, in the form of the 2018 Access to Information Law. Afghanistan can be very proud that its law is the best in the world.⁶ However, adopting a law is relatively simple compared to implementing that law properly.

This RTI Evaluation based assessment of how well Afghanistan has done in terms of implementing its access to information law is the most comprehensive such assessment that has ever been done. And it reveals some important facts. The first is that, overall, Afghanistan achieves only a weak yellow grade in terms of implementation, showing that much remains to be done to improve. By far its strongest score comes in relation to Central Measures, where it achieves a high yellow grade. And its worst score comes in relation to Reactive Disclosure, where it achieves only a low red grade. This is serious, because in many ways reactive disclosure is ultimately the main objective of an access to information law (i.e. to respond to people's requests for information).

When it comes to public authorities, all of the 19 assessed in this exercise need to do better, since the very best overall score was just 47% (Agriculture) and most public authorities got a red grade. Two public authorities – Interior and Wolesi Jirga – scored less than 10% overall, which shows that they have done almost nothing to implement the ATI Law, while another four – Education, President, Foreign Affairs and Supreme Court – scored less than 20%, again an extremely weak score.

Quite specific recommendations for reform are included in the text of this report, directed at different actors including the Access to Information Commission, individual public authorities and the government as a whole. Much needs to be done to even begin to match the quality of implementation with the quality of the Law. Afghanistan has impressed the world with its sterling performance in terms of law reform relating to access to information. It now needs to show similar leadership in the area of implementation.

⁶ According to the RTI Rating, <https://www.rti-rating.org/country-data/>.

ANNEX 1: Self-Assessment 1:

Oversight Body Questionnaire

Please fill in this survey according to your best ability, providing as much detail as possible. If you need more space at any point, please feel free to continue on another page.

A. Independence

1. (a) Do you feel that overall, the oversight body is independent?

☐ Yes ☐ No ☐ Partially

(b) If NO or PARTIALLY, why not?

(c) Could its independence be improved? ☐ Yes ☐ No

(d) If YES, how?

2. (a) Were appointments made in accordance with the law?

☐ Yes ☐ No ☐ Partially

(b) If NO or PARTIALLY, what were the differences?

3. (a) Have any members been removed? ☐ Yes ☐ No

(b) If YES, was this in accordance with the law? ☐ Yes ☐ No

4. (a) Have members been provided with appropriate training or onboarding programmes?

☐ Yes ☐ No ☐ Partially

(b) If YES or PARTIALLY, please describe the programme briefly:

5. (a) Is the membership as a whole diverse and representative, including in terms of gender?

☐ Yes ☐ No ☐ Partially

(b) If NO or PARTIALLY, please explain:

6. (a) Does the oversight body receive a sufficient allocation of funding (is it able to undertake all of the activities assigned to it)?

☐ Yes ☐ No

(b) If NO, by what amount (e.g. percentage) do you feel it needs to increase? _____

(c) Please explain your answer:

(d) Has funding ever been decreased year over year? ☐ Yes ☐ No

7. (a) Does the oversight body (i) recruit its own staff or (ii) are these allocated to it by government?

☐ (i) ☐ (ii)

(b) Are they on (i) long-term or (ii) short-term contracts? ☐ (i) ☐ (ii)

8. (a) Does the oversight body have a full or nearly full complement of staff?

☐ Yes ☐ No

(b) Do they have appropriate qualifications and training?

☐ Yes ☐ No ☐ Partially

(b) If NO or PARTIALLY, please explain:

B. Appeals**9. (a) Does the oversight body make an effort to be geographically accessible?**☐ Yes ☐ No

(b) If so, how?

10. (a) Have clear procedures for processing appeals been adopted?☐ Yes ☐ No

(b) If YES, what protections for the basic due process rights of complainants do they provide for?

11. (a) How long, on average, does it take to process appeals? _ days

(b) What about the longer appeals? ____ days

12. (a) Does the oversight body conduct follow up to assess whether its decisions have been implemented? ☐ Yes ☐ No

(b) If YES, what sort of follow up?

13. (a) Does the oversight body have an official system for managing appeals (including to ensure that they are getting processed in a timely fashion)?☐ Yes ☐ No

(b) If YES, describe briefly how this works.

14. (a) Are appeal decisions posted online? ☐ Yes ☐ No ☐ Sometimes

(b) If YES or SOMETIMES, within how long after they were adopted? _____ Days

15. (a) Beyond formal appeals, does the oversight body take steps of its own (*suo moto* steps) to ensure that public authorities are respecting the law?

☐ Yes ☐ No ☐ Sometimes

(b) If YES or SOMETIMES, what sorts of steps?

(c) Do these apply to both proactive and reactive disclosure or just one of these (check all that apply)?

☐ Proactive ☐ Reactive

(d) What about structural measures (such as whether or not a PIO has been appointed or how records are managed)?

☐ Yes ☐ No

(e) If YES, describe briefly how this works:

C. Other Functions

16. (a) Describe briefly the regulatory powers/functions the oversight body has (e.g. to set fees or records management standards, to discipline officials, and so on):

(b) Has the body taken steps to use these powers/undertake its regulatory functions?

☐ Yes ☐ No

(c) If YES, describe briefly how this works:

(d) Does it have the power to discipline officials? ☐ Yes ☐ No

(e) If YES, describe briefly how many times it has used these powers and what sorts of sanctions it has imposed:

17. (a) Has the oversight body taken steps to raise awareness about RTI?

☐ Yes ☐ No

(b) If YES, describe briefly what it has done:

18. (a) Has the oversight body participated in providing training for PIOs?

☐ Yes ☐ No

(b) For other officials? ☐ Yes ☐ No

(c) If the answer to either of these questions is YES, briefly describe what sorts of training activities it has undertaken:

19. (a) Has the oversight body produced an annual report for each of the last two years?

☐ Yes ☐ No ☐ Partially

(b) If YES or PARTIALLY, please indicate which years and where to find the reports, and describe briefly what is included in them:

20. (a) Has the oversight body provided comments on draft laws?

☐ Yes ☐ No ☐ Sometimes

(b) If YES or SOMETIMES, indicate which laws it has commented on and where to find these comments:

21. (a) Has the oversight body provided direct advice to public authorities?

☐ Yes ☐ No ☐ Sometimes

(b) If YES or SOMETIMES, indicate how many times and which public authorities:

(c) What about to members of the public?

☐ Yes ☐ No ☐ Sometimes

(d) If YES or SOMETIMES, indicate how many times and what sort of advice:

22. (a) Has the oversight body taken any other steps to improve implementation?

☐ Yes ☐ No

(b) If YES, indicate what sorts of steps:

ANNEX 2:

Self-Assessment 2: Public Authorities Questionnaire

Please fill in this survey according to your best ability, providing as much detail as possible. If you need more space at any point, please feel free to continue on another page.

A. Institutional Measures

1. (a) Was the appointment of the PIO done in a formal way (i.e. in writing and with a written terms of reference (ToRs) setting out the responsibilities and powers of the post)?

☐ Yes ☐ No

(b) Was time for this task allocated to the PIO (i.e. were his or her other duties reduced)?

☐ Yes ☐ No

(c) Does the PIO have access to the equipment needed for this job (such as a photocopier/scanner)?

☐ Yes ☐ No

(d) What is the rank of the PIO? _____

(e) Have other staff been asked to cooperate with the PIO? ☐ Yes ☐ No

(f) Do they, in practice? ☐ Yes ☐ No

2. (a) Has the PIO been provided with any training?

☐ Yes ☐ No

(b) If YES, describe it briefly:

3. (a) Does the PIO face any institutional resistance relating to the job (whether formal or informal)?

☐ Yes ☐ No

(b) If YES, describe it briefly.

4. (a) Does the public authority have a formal plan of action, standard operating procedures or similar document for RTI?

☐ Yes ☐ No

(b) If YES, is it effective? ☐ Yes ☐ No

(c) Please describe briefly what it contains:

5. (a) Has the public authority adopted formal internal procedures for receiving and responding to RTI requests?

☐ Yes ☐ No

(b) Is it easy to lodge a request with the public authority? ☐ Yes ☐ No

(c) Can this be done electronically? ☐ Yes ☐ No

(d) In person? ☐ Yes ☐ No

(e) By post? ☐ Yes ☐ No

(f) Are the contact details of the PIO posted online? ☐ Yes ☐ No

(g) At the public offices of the authority? ☐ Yes ☐ No

6. (a) Has the public authority appointed someone to receive and process internal complaints (who is different from the PIO)?

☐ Yes ☐ No

(b) Has the public authority adopted procedures for these complaints?

☐ Yes ☐ No

(c) In practice, are they dealt with in a timely manner? ☐ Yes ☐ No

7. (a) Does the public authority publish annual reports on RTI which include statistics on requests?

☐ Yes ☐ No

(b) If YES, indicate when last report was published and describe briefly the information in that report:

8. (a) Has the public authority done anything to raise public awareness about the RTI law?☐ Yes ☐ No

(b) If YES, please describe briefly what it has done:

9. (a) Has the public authority done anything to improve its records management standards?☐ Yes ☐ No

(b) If YES, please describe briefly what it has done:

B. Proactive Disclosure**10. (a) Taking into account the list of types of information subject to proactive publication in the RTI law, does the public authority disclose all or most of the types of information on the list?**☐ Yes ☐ No ☐ Partially

(b) If NO or PARTIALLY, how could it do better?

(c) Does it go beyond the minimum requirements in any respect? ☐ Yes ☐ No

(d) If YES, please describe briefly:

11. (a) Is your website WCAG 2.0 compliant (i.e. disabled accessible)?☐ Yes ☐ No ☐ Partially

(b) If YES or PARTIALLY, what features does it have in this respect?

12. (a) Do you disseminate information other than over the website?

☐ Yes ☐ No

(b) If YES, please describe briefly how:

13. (a) Are there documents for which you create simple versions that people can understand (i.e. in addition to the main, formal document)? ☐ Yes ☐ No

(b) If YES, please describe which ones?

C. Reactive Disclosure

14. (a) Can citizens submit requests electronically?

☐ Yes ☐ No

(b) In person? ☐ Yes ☐ No

(c) By mail? ☐ Yes ☐ No

(d) Do they have to use a form? ☐ Yes ☐ No

(e) Is the form easily accessible? ☐ Yes ☐ No

(f) Do they need to prove citizenship? ☐ Yes ☐ No

(g) If so, how is this done in practice?

15. (a) When making a request, what information does a requester need to provide?

16. (a) What languages may requests be made in?

17. (a) Where the requester appears to need assistance, is this provided?

☐ Yes ☐ No ☐ Sometimes

(b) If YES or SOMETIMES, how often is such assistance provided (e.g. as a percentage of all requests)? ____

(c) What sorts of assistance are provided?

18. (a) When a request is lodged, is a receipt provided to the requester?

☐ Yes ☐ No ☐ Sometimes

(b) If YES or SOMETIMES, how is it provided?

19. (a) When the public authority does not hold the information, what does it do?

(b) If, in this situation, requests are transferred or the requester is informed that the authority does not hold the information, how long on average does this take?

_____ days

20. (a) How long on average does it take the public authority to respond to requests? days

(b) What standards are applied in terms of timeliness?

(c) Are extensions to the time limit sometimes imposed? ☐ Yes ☐ No

(d) If YES, how and when is that done?

(e) Are there cases where it takes longer than the time limit or any formal extension to respond to a request? ☐ Yes ☐ No

(f) If YES, how often does this happen as a percentage of all requests?

21. (a) Do requesters sometimes ask for information in a particular format?

☐ Yes ☐ No

(b) If YES, is it normally provided in this format? ☐ Yes ☐ No

22. (c) If NO, what conditions are used to justify providing it in a different format?

23. (a) What fees does the public authority charge when providing information?

(b) Does the public authority charge a fee when a requester first lodges a request?

☐ Yes ☐ No

24. (a) How often does the public authority refuse requests (e.g. as a percentage of all requests)?
percentage

(b) When this happens, is the requester informed about it?

☐ Yes ☐ No

(c) If YES, how and what is included in the notice?

25. (a) What is the most common exception used when refusing requests?

(b) What other exceptions are common?

26. (a) If the answer to the first part of Question 5 about having adopted formal internal rules on processing requests was YES, does the authority comply with the formal internal rules on processing requests?

☐ The answer to Question 5 was no ☐ Yes ☐ No ☐ Sometimes

(b) If NO or SOMETIMES, what are the most common ways the rules are not followed?

ANNEX 3:

List of Requests Made to the 19 Different Public Authorities

Public Authority	Actual questions
MARRD	Complete information on ongoing projects provinces wise
Attorney General Office	A list of student's harassments in Logar: the number of children who have been sexually abused and also the decision of the court.
Da Afghanistan Breshna Sherkat	List of governmental authorities' debtors of Da Afghanistan Breshan Sherkat
Ministry of Mines and Petroleum	The total mining projects that have contributed in local development in 1398. List of legal mining contracts in Northern region of Afghanistan.
Ministry of Education	List of land that distributed to school teacher based on provinces (34 provinces of Afghanistan)
Ministry of finance	Documents and expenses of the annual budget as well as financial reports for the year of 1398
National Procurement Authority	The number of blocked companies and number of companies that have been reported to Attorney General Office for late specifications.
Ministry of Labour and Social Affairs (MALSAMAD)	Have salaries of disables are paid and its database is shared?
Ministry of Interior	Documents and figures of crimes in Kabul during last month?
Supreme Court	List of transferred, hired and sentenced judges in 1398 provinces wise.
Walesi Jirga Lower House of Parliament (WJ)	Attendance list of members of parliament in parliament.
Ministry of Public Health	Spending of budget outside framework national budget in the year of 1398
Ministry of Agriculture, Irrigation, and Livestock	List and copy of national agricultural project contracts
Ministry of Communication and Information Technology	List and copy of agreements with international companies
Ministry of Higher Education	List of public and private universities, as well as a complete existing list of professors.
Ministry of Transport	List and copy of contracts of road construction projects.

ANNEX 4:

Description of How Scores are Calculated Using the Methodology

Central Measures

Scoring for this assessment area was based on six 'Yes'- 'No' questions and seven more qualitative questions. Although only 13 variables are used for scoring, overall, the methodology aims to conduct a deeper analysis for this assessment area, and this is true for all four assessment areas (i.e. while a set number of variables are used for scoring, the assessment looks at a much wider range of issues). A full list of the substantive issues considered here can be found in the full methodology.⁷

The six 'Yes'- 'No' questions each earn a score of 1 point for a 'Yes' or 0 points for a 'No'. These questions are:

1. Have the members been appointed?
2. Has funding been allocated?
3. Does the body recruit its own staff?
4. Are the body's appeal decisions available online?
5. Has the body produced and published an annual report for the last two years?
6. Has the body published a guide for requesters?

For the seven more qualitative questions, assessors are asked to determine whether the system performs 'Strongly' (1 point), 'Partially' (0.5 points) or 'Weakly' (0 points). These questions are:

1. Are the members of the body independent and effective?
2. Is the funding provided to the body reasonably sufficient for it to discharge its functions?

3. Does the body decide appeals in a timely fashion?
4. Are the due process rights of parties respected during appeals?
5. Has the body made reasonable efforts to raise public awareness?
6. How effective are the measures taken to provide training to officials?
7. Has the body made a reasonable effort to comment on draft laws that affect the right to information?

The overall score is calculated by taking the 13 individual scores and averaging them. Then, a colour grade is awarded based on the overall score in accordance with the chart in the table below. This same table is used to convert the scores to grades for all four assessment areas and for the final grade.

Chart for Converting Scores to Grades

Red	Yellow	Green
0-0.33	0.34-0.66	0.67-1.0

Institutional Measures

As with all assessment areas, only a sub-set of all of the substantive issues considered here were used for scoring. Here again, scoring is based on both objective or 'Yes'- 'No' questions (ten in this case) and six more qualitative questions. The 'Yes'- 'No' questions each earn a score of 1 point for a 'Yes' or 0 points for a 'No'. These questions are:

1. Has a public information officer (PIO) been appointed?

⁷ The full methodology is available at: <http://www.rti-evaluation.org/wp-content/uploads/2020/02/Methodology.20-02-17.pdf>. See the chapter on Central Measures.

2. Has the PIO formally been given terms of reference or a job description?
3. Has the PIO been provided with training?
4. Has an overall implementation plan or set of standard operating procedures (SOPs) been adopted?
5. Has a set of guidelines for how to process RTI requests been adopted?
6. Is it possible to lodge requests electronically? Is it easy to obtain an RTI request form? Is it easy to find the contact details of the PIO? (YES, is given for two or more positive answers, NO for one or less)
7. Has a person who is different from the PIO been appointed to deal with internal complaints?
8. Did the public authority publish an annual report for the last two years?
9. Has the public authority conducted awareness-raising activities over the last year?
10. Has the public authority put in place any system or taken any action to improve its records management?

For the six more qualitative questions, assessors are asked to determine whether the system performs 'Strongly' (1 point), 'Partially' (0.5 points) or 'Weakly' (0 points). These questions are:

1. Does the PIO have appropriate qualifications for the job and has he or she been allocated time to do the job?
2. There is no political pressure on the PIO that makes it difficult for him or her to do the job properly.
3. How strong is the overall implementation plan or SOP?
4. How strong is the annual report?
5. How extensive are the awareness-raising activities?
6. How effective are the measures taken to improve records management?

The 16 scores for each public authority are then averaged (added up and divided by 16) to get a final score for each authority. These averages by public authority are then averaged again to get the final score for the jurisdiction. The final score is converted to a colour grade based on the conversion shown in the table above.

Proactive Disclosure

Here again, only a sub-set of all of the substantive issues considered were used for scoring. Otherwise, however, this assessment area is a bit different from the others inasmuch as some of the scoring categories are drawn from the local law, rather than being preset (in other words, the scoring is based on the law and not on a fixed set of considerations). In the case of Afghanistan, the availability of 12 categories of information from each of the 19 public authorities was assessed. These categories, which were drawn from Article 15 of the ATI Law, looked at the disclosure of information about:

1. Organisation and structure
2. Provincial offices
3. Procedures and mechanisms related to public participation
4. Bidders, and related documents and procurement contracts
5. Details of the budget
6. Services provided to the public
7. Guidelines for requesters and complainants
8. Relevant domestic and international agreements and protocols
9. Policies, strategies and related work plan
10. Categorisation of information held
11. Public information officers
12. Annual report related to ATI law

Given that there is potential for significant variance in how well information is disclosed proactively in each of these areas, a more graduated scoring approach was employed here, which is captured in the table below. The

Scoring Approach for Proactive Disclosure

Full	Full to Partial	Partial	Partial to None	None
1.0	0.75	0.50	0.25	0

Then, the following five issues were assessed based on whether the system performs 'Strongly' (1 point), 'Partially' (0.5 points) or 'Weakly' (0 points):

1. The extent to which the website is WCAG 2.0 compliant (i.e. accessible to those with disabilities).
2. The extent of the efforts the public authority takes to disseminate information other than simply via its website.
3. The extent to which the public authority makes use of social media and smartphone apps to draw the attention of the public to its proactive publications and to disseminate information proactively.
4. The extent to which the public authority makes an effort to create understandable versions of at least the most important documents (such as its budget).
5. The extent to which it is reasonably easy to find specific information from among all of the information that is being published online.

Scoring here was also a bit different. Instead of just taking a straight average of the 17 sub-scores, the final score for each public authority was calculated by taking 75% of the average of scores from the first list (i.e. the points for proactive disclosure online) and 25% of the average of the scores from the second list (i.e. the points for the five other issues). This is based on the idea that the actual proactive disclosure of information is more important than the other five issues which are assessed.

headings refer to the extent to which this information was available on a proactive basis, while the numbers below refer to the score associated with that.

The final score for the jurisdiction as a whole was obtained by calculating the average of the score for each authority and this was converted to a colour grade as with the other assessment areas.

Reactive Disclosure

Two types of scores were calculated for each request. The first type of score was the "processing" score, which is calculated using three 'Yes' (1 point)- 'No' (0 points) questions, as follows:

1. Was a receipt provided?
2. Was the request was answered within the statutory time limits?
3. Was any fee charged in line with the legal rules on fees?

These three scores were then averaged to obtain the processing score for each request.

Then, each request is given a "result" score. In the event, most (27 of the 38) requests were met with mute refusals, which is when the public authority simply fails to respond at all to the request. Obviously, this merits a score of 0 points. Six requests were acknowledged but no other response was provided. This again merits a score of 0 points, since no information has been disclosed. In four more cases, responses were assessed as being incomplete, due to the fact that only part of the information was provided. In this case, assessors are asked to assess how far the information provided responded to the request. If it is almost complete, 1 point will be given, reasonably complete, 0.5 point, and only limited in nature, 0 points. In each of these four

cases, 0 points were awarded. Finally, in one case an applicant was given an oral refusal. Because the ATI Law requires refusals to be in writing, this is not a valid response so again a score of 0 points was given.

The final score for each request is calculated by taking one-third of the processing score and adding it to two-thirds of the result score, on the basis that the final result is more important than procedures. Final scores are then calculated both for the jurisdiction as a whole (by averaging the scores for each request) and for each public authority (by averaging the scores for the two requests that were put to them). And, finally, a colour grade is allocated.

Final Scoring/Grading

Final scores and grades are calculated for each public authority and for the jurisdiction as a whole. For each public authority, the final score is the average of the three scores it achieved in each of the relevant assessment areas, namely Institutional Measures, Proactive Disclosure and Reactive Disclosure. This is then converted to a final grade.

For the jurisdiction overall, there were four final scores, one each for Central Measures, Institutional Measures, Proactive Disclosure and Reactive Disclosure. The final score was calculated by averaging these four final scores and this was then converted to a final grade.



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