The Transitional Islamic State of Afghanistan

The Constitution Review Commission of Afghanistan

Data Analysis Protocol

By:

Commission Secretariat

June 2003

1. Introduction

The Constitution Review Commission is mandated to among other things:

- Review the Constitutional Draft prepared by the Drafting Commission and prepare it for publication;
- Provide facilities for public education throughout the Constitution making process;
- Consult with Afghans inside and outside Afghanistan and collect their advice and views about the Constitution; and
- Analyse the views gathered, make a report of the consultations and explain them to the public.

The Commission began public consultation on 10th June 2003, which will cover 8 Regions within the country and Afghans living in 4 regions within Pakistan and Iran. During the consultations, the Commission will meet community elders, ulema, women groups, members of the Emergency Loya Jirga, business persons, University Professors and students, professionals, youth, members of the NGO and international organizations, refugees among others.

The Commission will receive views from the groups, institutions and individuals through (i) submitted memoranda; (ii) filled questionnaires; and (iii) oral presentations recorded verbatim (and summarized by rapporteurs). All the views gathered from the presenters will be sorted, collated and processed by the Commission and as much as possible integrated in the Constitutional Draft and the report of the Commission.

This data analysis protocol sets out the framework for analysing the views received by the Commission, outlines the proposed reporting formats, proposes timelines for data analysis, and logistical requirements. The protocol takes into cognisance the urgency involved in the whole exercise and the need to utilize the views of all Afghans who have made presentations to the Commission.

The protocol is based on (i) the Decree on the Formation of the New Constitutional Review Commission; (ii) the Public Consultation Strategy; and (iii) the physical and other structures already established for data analysis and reporting.

2. Data Analysis Framework

2.1. Receipt and recording of memoranda, questionnaires and Verbatim (rapporteur) reports

A simple register will be opened at the Data centre. The register will capture all the memoranda, questionnaires and rapporteur reports received from the field. It will give a breakdown of the number of documents received by region and type of presenters. The register will also indicate the storage codes within the registry.

2.2. Registry coding: Regional, Provincial and Other Groupings

The Registry staff will code all the memoranda, questionnaires and the rapporteur reports using codes provided by the Data Analysts and Researchers. The simple codes will be structured as follows:

- First letter to represent Region (e.g. K for Kabul)

- Second letter to represent Province (where applicable)
- Third letter to represent form of submission (e.g. M for Memoranda)
- In the fourth, fifth, sixth, seventh and eighth positions will be five digits beginning with 00001 for the first submission received, up to the last submission from the Region/Province.

2.3. Transcription and coding of issues

Transcribers comprising of the Data analysts and Researchers (ten (10) in number) will carry out coding of issues. The coding system is outlined in section 3 below.

2.4. Checking for consistency and clarity

All the coded questionnaires, memoranda and reports will be checked for consistency, clarity and accuracy. Two editors will be involved in this exercise.

2.5. Data entry

Five (5) data entry clerks will be engaged to carry out data entry. All the coded material will be entered in the pre-designed data entry screens. The entry system will be flexible to allow for computerised and manual analysis.

2.6. Cleaning

Before generating the results in the form of frequencies and other forms of statistics, the soft data will be subjected to thorough cleaning. Where necessary, consistency checks will be carried out against the original questionnaire/memoranda/verbatim report.

2.7. Generation of frequencies/results

After the cleaning, data will be ready for generation of frequencies based on the demands by the Commissioners. The system will allow for flexible release of results by region, issues and demographic statistics.

3. The Coding Matrices and Data Entry Screens

3.1. Regional codes

The regional codes are provided in appendix (1) attached to this report.

3.2. Issues Codes

The initial issues codes are provided in appendix (2) attached to this report. New codes will be added as 'new' issues emerge but will generally fall within the overall framework of the 'areas of concern' outlined in the coding matrix.

3.3. Preparation of Data Entry Screens

The data entry screens are based on a simple database structure, which captures two main screens as follows:
- Screen 1: captures all the background information and demographic statistics required for tabulation and comparative analysis.

- Screen 2: captures all the qualitative issues generated from the 'issues codes'.

4. Proposed Reporting Formats

4.1. Summary Thematic Reports

The format for the Summary report is presented in appendix (3) attached to this report. The framework gives an outline and sample of what the final summary report will contain. However, adjustments will be made to ensure that the final report is as user friendly as possible for purposes of Commission deliberations.

4.2. Regional Reports

It is proposed that Regional reports be prepared to accompany the Main report of the Commission. These reports will capture issues raised from the various regions, thereby showing diversity of the concerns raised. The reports will allow for Regional ownership of the whole process. They will also provide useful information to be used during the dissemination of the Constitutional Draft by the Commission. The structure of the Regional reports is presented in appendix (4) attached to this report.

5. Data analysis cycle

The data analysis cycle is contained in appendix (5) attached to this report.

6. Work plan

The proposed work plan is presented in appendix (6) attached to this report. The work plan is based on the Public Consultation Strategy. The timetable is completely tight to complete all the stages of the analysis and reporting requirements. The number of staff and equipment will be varied depending on the number of submissions received and the skill level of personnel.

7. Logistical Requirements

In order to accomplish the tasks outlined above, the following personnel and facilities are required:

Item	Number	Purpose	Duration
1. Personnel			
Coordinator	1	• Coordinates Research, data and reporting	3 months
Data Specialist	1	• Coordinate data analysis process. • Responsible for outputs.	3 months
Constitutional Consultant	1	• Coordinate linkages to reporting and drafting	3 months
Researchers and Data Transcribers.	10	• Read/Collate all the memoranda/questionnaire/ verbatim reports. • Code all the issues.	2½ months
Editors	2	• Edit all the transcribed and coded materials for consistency, clarity and ensure quality is maintained.	2½ months

Data Entry Clerks	5	• Data entry • Data editing in consultation with Data specialist.		3 months
Registry Clerks	2	• Receipt and coding of materials received. • Regional coding. • Safe keeping of materials received.		5 months
2. Equipment				*Remarks*
Computers for Data Entry Clerks	5	• For purposes of data entry		2 available
Computer Desks	5	• For data entry clerks		2 available
Computer Software for data analysis	1	• SPSS or EPI INFO		?
Computers for data analysis (Data Specialist)	1	• Reporting		Laptop available
Office Space	3	• Registry • Data Entry Room • Data Coordination Center		Space already allocated
Cabinets	4	• Storage and safekeeping of received material		
Photocopying Machine		• Photocopying of transcription material.		

Appendix 1: Regional Codes

Region/Province	Codes	Region/Province	Codes
	Middle Code: **M=Memorandum** **Q=Questionnaire** **R=Verbatim**		**Middle Code:** **M=Memorandum** **Q=Questionnaire** **R=Verbatim**
1. Eastern Region	**E**	**8. Western**	**W**
1.1. Nengarhar	EN/X/XXXXX	8.1 Herat	WH/X/XXXXX
1.2. Laghaman	EL/X/XXXXX	8.2 Farah	WF/X/XXXXX
1.3. Kunar	EK/X/XXXXX	8.3 Badghis	WB/X/XXXXX
1.4. Nooristan	ER/X/XXXXX	8.4 Ghur	WG/X/XXXXX
2. South Eastern	**T**	**9. Iran**	**I**
2.1. Paktia	TP/X/XXXXX	9.1 Mashad	IM/X/XXXXX
2.2. Khost	TK/X/XXXXX	9.2 Tehran	IT/X/XXXXX
2.3. Paktika	TT/X/XXXXX		
2.4. Ghazni	TG/X/XXXXX	**10. Pakistan**	**P**
		10.1 Peshawar (NWFP)	PP/X/XXXXX
3. North Eastern	**N**	10.2 Quetta	PQ/X/XXXXX
3.1. Kunduz	NK/X/XXXXX		
3.2. Takhaar	NT/X/XXXXX	**11. Direct Submissions**	**D**
3.3. Baghlan	NB/X/XXXXX	11.1 Direct	DS/X/XXXXX
3.4. Badakhshaan	ND/X/XXXXX		
4. North Western	**R**		
4.1. Balkh	RB/X/XXXXX		
4.2. Samangan	RS/X/XXXXX		
4.3. Jauzjan	RJ/X/XXXXX		
4.4. Sar-e-pul	RR/X/XXXXX		
4.5. Faryab	RF/X/XXXXX		
5. Central	**C**		
5.1. Bamyan	CB/X/XXXXX		
6. Southern	**S**		
6.1. Kandahar	SK/X/XXXXX		
6.2. Helmand	SH/X/XXXXX		
6.3. Zabul	SZ/X/XXXXX		
6.4. Nimroz	SN/X/XXXXX		
6.5. Urozgan	SU/X/XXXXX		
7. Kabul	**K**		
7.1. Kabul	KK/X/XXXXX		
7.2. Logar	KL/X/XXXXX		
7.3. Wardak	KW/X/XXXXX		
7.4. Parwan	KP/X/XXXXX		
7.5. Kapisa	KS/X/XXXXX		

Appendix 2: Issues Codes

Area of Concern and issues	
1. Preamble	
1.1. Should have Preamble	
1.2. State that Afghanistan is an Islamic State	
1.3. State that the people are sovereign	
1.4. State the history of the republic and transitional stages	
1.5. Include the principles of peace, stability, national reconciliation and unity	
1.6. State that the Constitution shall respect all the values of the people of Afghanistan including their traditions, cultural and religious values.	
1.7. The Preamble to state the roles and responsibilities of the government to the people and vice versa.	
1.8. Include the virtues of Islam, Holy Koran and Islamic Traditions.	
1.9. State that the name of this Constitution is 'Islamic Constitution of Afghanistan'	
1.10. xxx	
2. Religion	
2.1. Recognize all the different Madhhabs in the Constitution	
2.2. Do not recognize the different Madhhabs in the Constitution	
2.3. Give more weight to the Hanafi Madhhab	
2.4. Guarantee freedom of religion and ensure Afghans of all faiths or religion are able to freely practice their religion.	
2.5. Do not recognise any religion in the Constitution	
2.6. Restrict people of other religions to non-sensitive assignments. For example they can not be Judges, Senior Government leaders etc	
2.7. Guarantee religious freedom for all religions but within the framework of the national laws, while recognising only Islam as the formal religion.	
2.8. xxx	
3. Rights of the People	
3.1. Protect all human rights	
3.2. Right to fair trial	
3.3. Right to private property ownership	
3.4. Freedom of expression and speech	
3.5. Right to privacy	
3.6. Freedom of assembly	
3.7. Freedom of religion	
3.8. Right to political affiliation	
3.9. Freedom to be compensated for wrongful confinement/abuse	
3.10. Right to free education	
3.11. Right to free health care	
3.12. Right to have access to clean water	
3.13. Right to have access to land	
3.14. Right to employment	
3.15. Recognize and protect the rights of women	
3.16. Recognize and protect the rights of widows	
3.17. Recognize and protect the rights of orphans	
3.18. Recognize and protect the rights of war martyrs	

3.19. Recognize and protect the rights of the disabled	
3.20. Recognize and protect the rights of children	
3.21. Recognize and protect the rights of minority groups	
3.22. Recognize and protect the rights of refugees	
3.23. Recognize and protect the rights of marginalized workers	
3.24. Promote security through centralised policing	
3.25. Promote security through community policing	
3.26. Promote security through disarmament	
3.27. Protect the rights through legislation	
3.28. Protect the rights through established institutions	
3.29. Recognise international covenants as part of domestic law	
3.30. Protect the rights and security by upholding the Islamic virtues and teachings of the Holy Koran.	
3.31. Protect the rights through engagement of elders and well-qualified people in positions of authority.	
3.32. Do not recognise rights of any groups	
3.33. xxx	
4. System of Government	
4.1. Leader to be President elected by the people	
4.2. President to be a citizen of Afghanistan by birth	
4.3. President to have specific minimum and maximum age limits	
4.4. President to have specific academic qualifications	
4.5. President to serve specific number of terms	
4.6. Have a Prime Minister elected/appointed by Parliament	
4.7. Power should be shared between President and Prime Minister	
4.8. President to be head of state and head of Government	
4.9. President to be head of state but not head of Government	
4.10. Prime Minister to be head of Government	
4.11. President should serve his/her service based on Islamic virtues and teachings of the Holy Koran	
4.12. Leader to be the King	
4.13. President to be a well-known Muslim (Ulema)	
4.14. President must not have affiliation to existing political parties	
4.15. President should not have committed serious crimes and must not have been convicted of serious offences.	
4.16. Adopt a centralized system of government	
4.17. xxx	
5. The Shura (Parliament)	
5.1. Parliament to continue with two houses	
5.2. Upper house to have a specific number of representatives	
5.3. Upper house to comprise of representatives of specific interests	
5.4. Lower house to have a specific number of representatives	
5.5. Lower house to comprise of representatives of specific interests	
5.6. Representatives in Upper house to be elected/appointed through a system	
5.6.1. Representatives in Upper house to be elected/appointed through a government system	
5.6.2. Representatives in Upper house to be elected/appointed through local authority system	
5.7. Representatives in Lower house to be elected/appointed through a system	

5.7.1. Representatives in Lower house to be elected/appointed through a government system	
5.7.2. Representatives in Lower house to be elected/appointed through local authority system	
5.8. Upper house to serve for a specific period of time	
5.9. Lower house to serve for a specific period of time	
5.10. Have only one house of Parliament which is elected by the people	
5.11. Have only one house of Parliament which is appointed by the Government	
5.12. xxx	
6. Loya Jirga	
6.1. Provide that Loya Jirga be formed to decide important issues	
6.2. Members of Loya Jirga to be chosen from houses of Parliament	
6.3. Members of Loya Jirga to be elected by the people	
6.4. Do not provide for Loya Jirga	
6.5. Members of Loya Jirga should be elected from lawyers and acknowledged people only.	
6.6. xxx	
7. Structure of Administration	
7.1. Provide for Shuras at the Provincial level	
7.2. Provide for Shuras at the District level	
7.3. Provide for Shuras at the Village level	
7.4. Do not provide for Shuras at Provincial level	
7.5. Do not provide for Shuras at District level	
7.6. Do not provide for Shuras at Village level	
7.7. Shuras at Province to handle specific issues (e.g. socio-economic issues)	
7.8. Shuras at District to handle specific issues (e.g. security and land issues)	
7.8.1. Shuras at District to provide education, health service, dig dams and consturcut bridges	
7.9. Shuras at Village to handle specific issues (e.g. family disputes)	
7.10. Shuras to have vertical relationship	
7.10.1. Shuras at District must have direct and close relationship with the national government.	
7.11. Shuras to have a horizontal relationship	
7.12. Have a percentage of positions allocated to women in government	
7.13. Have a percentage of positions allocated to minority groups in government	
7.14. Have a percentage of positions allocated to ethnic groups in government	
7.15. The government to provide services such as (health, education, security, water)	
7.15.1. Government through Ministry of Education to provide education to the people.	
7.15.2. Government through Ministry of Public Health to provide health services to the people.	
7.16. Health, Education, Security and Water to be supplied at specific level of government (e.g. National, Provincial, District or Village level)	
7.16.1. Government to establish Madrassa	
7.17. Environment to be protected by a specific institution (e.g. government)	
7.18. There should be specific moral and ethical qualifications for elected and appointed public officials	
7.19. Corruption and Nepotism should be handled by a specific institution (e.g.	

Anti Corruption Commission) established at national and district levels	
7.20. The constitution should provide for an institution to ensure that the rights and government obligations are enforced (e.g. through a complaints office or a regulatory Commission)	
7.21. Eradication corruption by paying good salaries to public servants	
7.22. Ensure that there is no nepotism in public service	
7.23. Health services to be provided by the private clinics	
7.24. xxx	
8. Judiciary	
8.1. Judges should have specific qualification	
8.2. Judges should be appointed by the President	
8.3. Judges should be appointed by Shuras	
8.4. Judges should be appointed by Ulemas based on Islamic traditions	
8.5. Make Judges independent by giving them tenure of office	
8.6. Make Judges independent by making their removal difficult	
8.7. The Official courts of the state should be above the local Jirgas and Shuras	
8.8. In any conflict between Official courts and local level Jirgas and Shuras, the former should take precedence.	
8.9. There should be a Constitutional court to review the laws to make sure they conform with the Constitution	
8.10. The Supreme Court should review the laws to make sure they conform to the Constitution.	
8.11. Review of laws to make sure they conform to the Constitution should be left to a special Loya Jirga.	
8.12. Chief Justice to be appointed by the President	
8.13. Chief Justice to be appointed by the Prime Minister	
8.14. Chief Justice to be elected by the Judges	
8.15. Chief Justice to be appointed by the Shura	
8.16. Chief Justice should be appointed by Ulemas	
8.17. Review of laws to make sure they conform to the Constitution should be done by the Ministry of Justice.	
8.18. Review of laws to make sure they conform to the Constitution should be done by Ulema.	
8.19. xxx	
9. Armed Forces	
9.1. The Armed Forces should be established by the Constitution	
9.2. Provide for clear structure, organization and recruitment guidelines for the Armed Forces in the Constitution	
9.3. The President should be the Commander-in-Chief of the Armed Forces	
9.4. Provide for a Military Council to command military activities	
9.5. Provide for strict disciplinary procedures for the Armed Forces in the Constitution.	
9.6. Provide for procedures for Disbandment of the Armed Forces.	
9.7. Provide for recruitment of Armed Forces from all parts of Afghanistan, for improvement of national security.	
9.8. serving in the Armed Forces should be an obligation for all citizens.	
9.9. xxx	

10. Citizenship	
10.1. A citizen should be an Afghan by birth	
10.2. Provide for citizenship by registration	
10.3. Provide for citizenship by naturalization	
10.4. Provide for dual citizenship	
10.5. The citizen should be loyal to the authorities	
10.6. The citizen must respect the laws of the land	
10.7. The citizen has a duty to hear and respect the views of others.	
10.8. The citizen should defend the values of the country	
10.9. xxx	
11. Language	
11.1. Have only one national language (Dari)	
11.2. Have two national languages (Dari and Pashtoo)	
11.3. Recognize all afghan languages	
11.4. Recognize a specific number of languages	
11.5. Do not recognize any languages	
11.6. Have only one national language (Pashtoo)	
11.7. Have only two national languages, but also recognise other languages	
11.8. xxx	
12. Amendment	
12.1. The Shura can amend certain parts of the Constitution	
12.2. The Shura can not amend any parts of the Constitution	
12.3. Loya Jirga can amend the Constitution	
12.4. Amendments to be done only through referendum	
12.5. xxx	
13. Transitional Provisions	
13.1. Constitution comes into effect upon ratification by Loya Jirga	
13.2. Constitution comes into effect upon assent by the President	
13.3. Constitution comes into effect on a specific date	
13.4. xxx	
14. Culture, Custom and Practices	
14.1. The Constitution to eradicate early and forced marriages	
14.2. The Constitution to stop settlement of disputes through the exchange of girls	
14.3. Eradicate automatic remarriage of widows by brothers-in-law	
14.4. Constitution to make provisions for eradication of violence against women and harassment of women.	
14.5. The constitution to stop trafficking of women.	
15. Constitutional Commissions and Offices to be established	
15.1. Anti-corruption Commission	
15.2. Women (Gender) Commission	
15.3. Children/Orphans Commission	
15.4. Human Rights Commission/Authority	
15.5. Devolution Commission	
15.6. Judicial Service Commission	

15.7. Public Service (Civil Service) Commission	
15.8. Office of the Public Defender	
16. Environmental Protection	
16.1. Government to protect the environment	
16.2. Local communities to protect the environment	
16.3. Local authorities to protect the environment	
16.4. Protect the environment through special institutions (for example an Environment Protection Secretariat)	
16.5. Protect the environment through special legislation	

Appendix 3: Summary of Thematic Reports Matrix

(To be laid out in landscape)

This section provides a sample of the report format that will be presented to Commissioners for their deliberations. Below each of the areas of concerns will be an enumeration of all the recommendations made by the people. The last two columns will be used for technical analysis only.

Area of concern/Issue and Proposal	Number Proposing	Percent of total proposals
1. Preamble		
2. Religion		
3. The Rights of the People		
4. System of Government		
5. Parliament		
6. Loya Jirga		
7. Structures of Administration		
8. Judiciary		
9. Armed Forces		
10. Citizenship		
11. Language		
12. Amendment		
13. Transitional Provisions		

Appendix 4: Regional Reports Format

The reports will have an outline as provided below:

Chapter 1: Background of the Region.

- o Available general demographic statistics
- o Socio-economic information

Chapter 2: Mandate for Public Consultations

- o Constitutional Review Decree

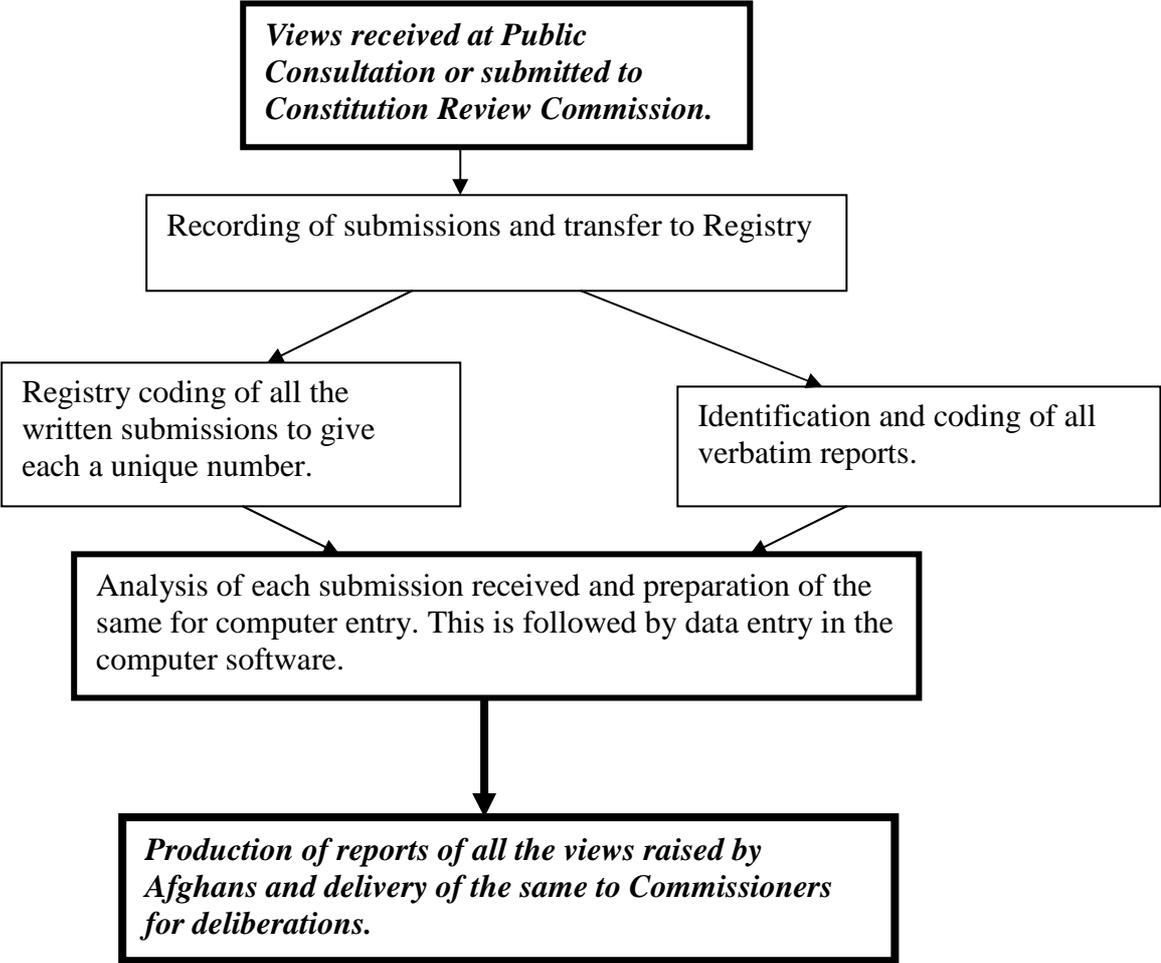*Chapter 3: Public Education*

- o Providers of public education
- o Issues covered during public education

Chapter 4: Public Consultations

- o Logistical details
- o Demographic information
- o Peoples' Recommendations

Appendix 5: Data Analysis Cycle

```
┌─────────────────────────────────────┐
│ Views received at Public            │
│ Consultation or submitted to        │
│ Constitution Review Commission.     │
└─────────────────────────────────────┘
                  │
                  ▼
┌─────────────────────────────────────┐
│ Recording of submissions and transfer to Registry │
└─────────────────────────────────────┘
        │                        │
        ▼                        ▼
┌──────────────────────┐   ┌──────────────────────────┐
│ Registry coding of   │   │ Identification and coding │
│ all the written      │   │ of all verbatim reports.  │
│ submissions to give  │   │                           │
│ each a unique number.│   │                           │
└──────────────────────┘   └──────────────────────────┘
        │                        │
        ▼                        ▼
┌─────────────────────────────────────────────────┐
│ Analysis of each submission received and         │
│ preparation of the same for computer entry. This │
│ is followed by data entry in the computer        │
│ software.                                         │
└─────────────────────────────────────────────────┘
                  │
                  ▼
┌─────────────────────────────────────────────────┐
│ Production of reports of all the views raised by │
│ Afghans and delivery of the same to Commissioners│
│ for deliberations.                                │
└─────────────────────────────────────────────────┘
```

Appendix 6: Work plan (21st June 2003 to 31st September 2003

Activity	21 June – 2 July 03		4 – 30 July 2003				1 – 27 Aug. 2003				29 Aug. – 30 Sept. 2003				
	W1	W2	W3	W4	W5	W6	W7	W8	W9	W10	W11	W12	W13	W14	W15
Adopt Protocol															
Establish data analysis hardware															
Design of Screens/Tables															
Receipt of Submissions	*21 June – 31 July 2003*														
Coding			*28 June – 6 August 2003*												
Checking			*28 June – 6 August 2003*												
Data Entry			*30 June – 13 August 2003*												
Cleaning							*1 Aug – 21 August 2003*								
Preliminary Results							*1 – 13 Aug 2003*								
Report preparation							*1 – 27 August 2003*								
Regional Reports											*29 Aug. – 17 Sept 2003*				
Public dissemination of Draft and Report.											*1 – 30 Sept 2003*				