

**Analysis of International  
Intervention to Train, Advise and  
Assist Afghan National Police:  
a Four Year Case Study in Kunduz**

*29 May 2016*

**Cooperation for Peace and Unity (CPAU)**

## Table of Contents

<b>Abbreviations.....</b>	6
<b>Glossary of Terms.....</b>	7
<b>Executive Summary.....</b>	8
<b>Section 1: Context and Methodology of the 2014 Assessment of the Integrated Police Training Mission in Kunduz.....</b>	15
1.1 An Overview of the Dutch Integrated Training Mission in Kunduz.....	15
1.2 Objectives of the Annual Assessments of the IPM.....	16
1.3 Reconstructed Theory of Change Model.....	17
1.4 Context of Kunduz in 2014.....	20
1.4.1 District Level Security Contexts.....	23
1.5 Methodological Approach.....	28
1.5.1 Methodology Overview.....	28
1.5.2 Methodological Tools.....	29
1.6 Limitations and Mitigation Strategies.....	30
<b>Section 2: The Quality of the Afghan Uniform Police has improved in Kunduz Province.....</b>	33
2.1 Willingness and Capacity of the Police.....	34
2.2 Influence of Powerful, External Actors.....	38
2.3 Quality of the Police Training.....	40
2.4 Literacy in the Police.....	41
2.5 Drug Use in the Police.....	42
2.6 Bribery in the Police.....	42
2.7 Unfair Treatment by the Police.....	43
2.8 Police Detention Procedures.....	44
2.9 Progress Towards Improving the Quality of the Police in Kunduz.....	45
<b>Section 3: Cooperation between the Civilian Police and the Justice System is improved.....</b>	49
3.1 Cooperation Between the Police and Formal Courts.....	50
3.2 Cooperation Between the Police and Huquq.....	52
3.3 Cooperation Between the Police and Shuras.....	52
3.4 Progress Towards Improving Cooperation Between the Civilian Police and the Justice System is Improved.....	52
<b>Section 4: Quality of the Justice System is improved.....</b>	55
4.1 Perceived Willingness and Capacity of the Justice System.....	56
4.2 Unfair Treatment in the Formal and Informal Justice Systems.....	61
4.3 Influence of External Actors on the Justice System.....	61
4.4 Bribery in the Formal Justice System.....	62
4.5 Referrals to the Informal and Formal Justice Systems.....	63
4.6 Cooperation Between Formal and Informal Justice Institutions.....	64
4.7 Contribution to Improving the Quality of the Justice System.....	65
<b>Section 5: Awareness, Acceptance and Accessibility of the Civilian Police and Justice System have increased.....</b>	68
5.1 Acceptance of Police in Communities.....	68

5.2 Community Awareness and Accessibility of the Police.....	72
5.3 Accountability of the Police.....	74
5.4 Ethnic Minority Representation in the Police.....	75
5.5 Women’s Access and Representation in the Police.....	75
5.6 Citizen’s Trust and Accessibility to the (Formal and Informal) Justice Systems.....	76
5.7 Gender Equity in the Justice System.....	78
5.8 Ethnic Minority Equity and Access to the Justice System.....	80
5.9 Contribution to Increased Awareness, Acceptance and Accessibility of the Civilian Police and Justice System.....	80
<b>Annex 1: IPM Inputs and Outputs Matrix.....</b>	<b>85</b>
<b>Annex 1.1: 2014 Community Survey Results Measuring District Control.....</b>	<b>87</b>
<b>Annex 1.2: Bibliography.....</b>	<b>88</b>
<b>Annex 1.3: Sampling Methodology.....</b>	<b>90</b>
<b>Annex 2: Result Tables for Section 2.....</b>	<b>91</b>
<b>Annex 3: Result Tables for Section 3.....</b>	<b>94</b>
<b>Annex 4: Result Tables for Section 4.....</b>	<b>96</b>
<b>Annex 5: Result Tables for Section 5.....</b>	<b>97</b>

## Acknowledgments

This report is the final in a series of four annual assessments wwof the Dutch Integrated Police Training Mission (IPM) and the broader ‘rule of law’ programming and development in Kunduz province with the financial support of Dutch Ministry of Foreign Affairs. The views expressed in the papers are the sole responsibility of CPAU and the respondents and are not necessarily held by the Dutch Ministry of Foreign Affairs.

The principal researcher for this study would like to thank CPAU’s research team for their support and the CPAU field researchers who collected the primary data from the field under extremely restive security situation and offered feedback on successive drafts of the study.

Our gratitude goes to all respondents and key-informants who very magnanimously shared their knowledge and contributed greatly in making this report possible. We would also like to thank Policy and Operations Evaluation Department (IOB) of the Dutch Ministry of Foreign Affairs for providing technical training and advice throughout the study.

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## Abbreviations

AAN	Afghan Analysts Network
ABP	Afghan Border Police
ACTP	Afghan Counter Terrorism Police
AGE(s)	Anti Government Element(s)
AIHRC	Afghanistan Independence Human Rights Commission ALP
ALP	Afghan Local Police
ANA	Afghan National Army
ANCOP	Afghan National Civil Order Police
ANP	Afghan National Police
ANSF	Afghan National Security Forces
AUP	Afghan Uniform Police
CATPCA	Categorical Principle Component Analysis
CDC	Community Development Committee
CEO	Chief Executive Officer
CNPA	Counter Narcotics Police of Afghanistan
CPAU	Cooperation for Peace and Unity
CSTC/A	Combined Security Transition Command – Afghanistan
EUPOL	European Union Police Mission to Afghanistan
FGD	Focus Group Discussion
GIRoA	Government of the Islamic Republic of Afghanistan
GoA	Government of Afghanistan
IPM	Integrated Police training Mission
IPCB	International Police Coordination Board
IQAT	Independent Quality Assistance Team
ISAF	International Security Assistance Force
KII	Key Informant Interview
LOTFA	Law and Order Trust Fund for Afghanistan
M&E	Monitoring and Evaluation
MEL	Monitoring, Evaluation and Learning
MFA	(Dutch) Ministry of Foreign Affairs
Mol	Ministry of Interior
MoJ	Ministry of Justice
NDS	National Directorate of Security
NTM/A	NATO Training Mission Afghanistan
SIGAR	Special Inspector General for Afghanistan Reconstruction
SPSS	Statistical Package for the Social Sciences
ToC	Theory of Change
ToR	Terms of Reference
ToTs	Training of Trainers
USIP	United States Institute of Peace

## Glossary of Terms

<b>Arbeki</b>	Community militias
<b>Huquq</b>	literally the rights of an individual under the law; commonly used to refer to the district-level Civil Law Offices under the Department of Justice
<b>Jirga</b>	A community-based process for collective decision-making that originates from traditional Pashtun culture. It is usually a temporary or ad-hoc group of respected elders that convenes when necessary to resolve disputes
<b>Malik</b>	A tribal chieftain or tribal leader (especially in Pashtun areas). The Maliks serve as de facto arbiters in local conflicts, interlocutors in state policy-making, tax collectors, heads of village and town councils and can be delegates to provincial and national jirgas
<b>Masjid</b>	Another term for mosque
<b>Sharia</b>	Islamic Law as interpreted from the Quran and the hadith (sayings of Prophet Muhammad)
<b>Shura</b>	A group of local elders or recognized leaders who convene regularly to make decisions on behalf of their community.
<b>Tashkil</b>	Personnel chart/quota of the ANP and the ANA

## Executive Summary

This report is the forth and last in a series of four yearly iterations of data gathering, and aims to identify changes in community perceptions of the justice system in Kunduz province, with a special focus on the Dutch Integrated Police Training Mission (IPM) and the broader ‘rule of law’ programming and development in Kunduz province. This research is vitally concerned with community perceptions of justice provision and, as such, measures the local confidence and trust in institutions that are tasked with ensuring justice and human security for Kunduz residents, including the Afghan Uniform Police (AUP), the judiciary, and informal justice structures such as community shuras and jirgas. To this end, this research project draws upon a large community perception survey and a survey of police personnel and their management across the seven districts of Kunduz province. In addition, justice officials, prosecutors, judges, community elders/shura members, prisoners, and Huqooq officials were interviewed.

The Dutch Integrated Police Training Mission (IPM) received parliamentary approval in January 2011 and was slated to end in mid 2014. In fact, the Dutch IPM personnel left Kunduz in December 2012 and handed over training responsibilities to their Afghan counterparts. However, Dutch support to the Afghan police, and rule of law sector more broadly, has continued into 2014 through the Dutch funded Law and Order Programme and multi-lateral initiatives such as European Union Police Mission in Afghanistan (EUPOL), the Combined Security Transition Command – Afghanistan (CSTC-A), and the UNDP-administered Law and Order Trust Fund for Afghanistan (LOTFA). Therefore despite the premature ending of the mission, the Netherlands has stayed engaged in efforts to improve law and order in northern Afghanistan.

The stated goal of the IPM was that, “The population of Kunduz province perceives the Afghan civilian police and other elements of the rule of law sector as better accessible, more capable and better able to protect basic rights.” The IPM was a programme that aimed to support the ‘transition process in Afghanistan.’ The aim was not only in terms of promoting Afghan leadership for national security but also supporting the Afghan Government to progressively exercise sovereignty in all spheres of nationhood, with a key focus on sustaining and capitalizing upon the gains made since 2002. The IPM differed from earlier international efforts at security sector reform (SSR) because of its holistic approach to substantively link an improved cadre of Afghan Uniform Police (AUP) to goals of improved quality and access to justice in Kunduz while also improving the cooperation between police and the justice system.

This 2014 report is the fourth and final in a series of annual assessments that monitors the impact of the IPM in Kunduz province. This assessment is based on a research process that aims to identify changes in community and key stakeholder perceptions of the police and justice system within the context of the Dutch mission to improve ‘rule of law’ processes in Kunduz, against a baseline study conducted in 2011. To this end, the report provides a reading of the levels of local confidence in justice institutions including the Afghan Uniform Police (AUP), the formal justice system and the informal justice system.

Although this is the final IPM assessment it is cautioned that building the capacity of rule

of law institutions in Afghanistan is a long-term process requiring substantive national and international inputs that are beyond the scope and duration of the IPM. Therefore, the results in 2014 give an indication of trends (positive and negative) since 2011 on a discrete set of indicators (sub-domains) but the results are better considered as benchmarks on a much longer continuum of change in Afghanistan. Furthermore this change process is nonlinear and deterioration on a number of the indicators outlined in this 2014 report may represent temporary setbacks rather than a diagnostic of terminal regression.

This report differs from the earlier IPM assessments in two important ways. Firstly, in order to view the Mission and associated changes in a more comprehensive framework, a theory of change (ToC) model has been reconstructed.<sup>1</sup> Secondly, in 2014 insecurity in Kunduz has increased with a concurrent breakdown in the law and order situation. Given this new context, this 2014 assessment pays more attention to contextualising the findings for each district. It is stressed that some of the significant changes that have been observed from 2011 - 2014, particularly in terms of trust in the AUP can only be understood with reference to the unique security architecture of each district.

This report is divided into five sections. The methodology is described in Section 2, including the complete model for the reconstructed ToC. This section also provides a contextual overview for each of the seven districts of Kunduz province. Section 3 provides the assessment results for Domain One (improved quality of the AUP in Kunduz). This domain is analysed through eight sub-domains of change. This section is structured to highlight firstly the police’s own viewpoint in regard to any changes in the eight sub-domains. Where useful, these results are compared with perceptions gained from the community survey and other relevant actors such as shura and Huquq members.

Section 4 presents the results for Domain Two (cooperation between the civilian police and the justice). This domain measures the progress on three sub-domains of change. This section is structured to firstly highlight the perceptions of the police and justice officials in regards to their cooperation. Research data from the police, informal justice actors and community members are used to generate a general picture of cooperation between the police and formal justice system.

Section 5 outlines the assessment findings for Domain Three (the quality of the justice system in Kunduz). This domain is comprised of six sub-domains of change and relies heavily on perceptions from informal justice sector actors and community respondents who have recently been involved in cases in either the formal or informal justice systems. The final section in the report analyses change on Domain Four (awareness, acceptance and accessibility of the civilian police and justice system) and is comprised of 8 sub-domains of change. This section focuses most clearly on community perceptions in regards to changes (positive and negative) in policing and the justice system. Therefore in contrast to the previous sections, community respondent insights are introduced first with results from other stakeholders used to triangulate and contextualise the findings.

<sup>1</sup> The Terms “IPM” and “Mission” will be used interchangeably.

## Key Trends and Findings

### Domain One: The Quality of the Afghan Uniform Police has improved in Kunduz Province

**Population's perception of Police:** From 2011 – 2013, the main motivation for joining the AUP was to serve the country. In 2014 the primary motivation is now to gain a salary/employment. Since 2011, there has been an overall decline in the number of Kunduz residents who believe that the police are capable of upholding security, law and order but there is significant variance across the province in this regard. Conversely in all districts (with the exception of Kunduz Centre), there has been a rise from 2012 – 2014 in the numbers of people who believe that they need many more police in their district. It is of concern that a significant majority of police in Khanabad, Aliabad, Char Dara, Dashti Archi and Imam Sahib believe that there are not enough police forces to provide security in their districts.

**Negative Influence of Powerful, External Actors:** The 2014 police survey results show an increase since 2011 in numbers of police who believe that they are subject to the influence of external powerful actors. While the police management stressed their will to observe strict protocols and procedures, they acknowledge that powerful individuals and groups can still overturn their decisions.

**Deteriorating Quality of the Police Training:** There has been a marked deterioration in the AUP's perceived quality of police training since the previous IPM assessments. There is also a strong call from the police respondents for better leadership training to help de-politicize the police leadership and make the AUP more of a meritocracy. In light of the scale down of international policing assistance (for example from ISAF, EUPOL, Germany and the Netherlands) and possibly in recognition that these missions were not always culturally congruent with the Afghan norms, the GoA is now reaching out to predominantly Muslim countries for police training support.

**Increased Literacy in the Police:** This final assessment indicates that there has been a positive improvement in education levels in the AUP. The 2014 results show that there are now less AUP who have not attended school compared to 2012 and 2011.

**Decreased Drug Use in the Police:** The assessment results for 2014 indicate an improvement since 2011 in community perceptions of drug use within the AUP. This may be due to the Mol's anti-drug and drug screening policy (2012) taking root in Kunduz.

**Increased Bribery in the Police:** Bribery continues to be a residual problem in the police. The 2014 assessment indicates an increase from the 2011 baseline survey in numbers of people who had to pay a bribe to the police in the last year.

**Rise in Unfair Treatment by the Police:** Levels of perceived unfair treatment by the police have risen since the baseline survey when one-quarter of people reported unfair treatment to nearly one-third in 2014. Bribery is the most commonly identified form of unfair treatment followed by police violence and causing accidents/reckless driving. These results differ from the previous IPM assessments whereby police violence (rather than bribery) was cited as

the most common type of unfair treatment. It is positive that community perceptions of police violence have decreased in 2014 but an increase in perceived bribery serves to make the AUP less accessible to ordinary citizens.

**Human Rights Abuses in Police Detention Centres:** Prisoner interviews conducted in 2014 indicate some improvement in regards to the police following the stipulated legal requirement to hold suspects for two days or under at a police station. However, human rights abuses are reportedly still being committed during this incarceration period by (1) interrogations conducted by force and, (2) restricted provision of food.

### Domain Two: Cooperation between the Civilian Police and the Justice System

**Cooperation between the Police and Formal Courts:** In 2014 the results of police cooperation with the formal justice system are comparable to the 2011 and 2012 assessments where a majority of AUP respondents claimed that their working relationship with prosecutors was good or very good. Most notable in 2014 is (police reported) cooperation with prosecutors in conducting coordinated house searches and arresting Taliban suspects. This finding indicates a prioritization of the relationship as it pertains to the insurgency rather than more general acts associated with community policing.

**Cooperation between the Police and Huquq:** The 2014 findings indicate that the police are more likely to refer a land or water dispute to the Huquq than to a formal court. The reasons for recommending a Huquq relate to 1) the perceived effectiveness of the Huquq to solve the case and, (2) Knowledge and intelligence of the Huquq officials.

**Increased Police Trust of Local Shuras:** The police cite a lack of corruption, proximity of the shura to local people and limited financial courts costs as the key reasons for referring a case to a shura rather than to the Huquq or formal courts. Shura members in the districts felt that they had a cooperative relationship with the police and regularly informed the police on security issues in their communities. This latter finding again points to a cooperative relationship aimed at quelling the insurgency and/or improving security.

### Domain Three: Quality of the Justice System

**Judicial System and Communities Access to Judicial Institutions:** Despite the legal awareness raising initiatives of the IPM and Dutch Rule of Law Programme, few community members have detailed knowledge of the formal justice system in the hinterlands of Kunduz province. However, the escalated breakdown of law and order in the province, especially in districts such as Char Dara has led to a significant spike in people requiring the services of the formal court for criminal cases. In 2014 the Taliban replaced the Huquq as the third most ranked institution for dealing with legal cases. The increasing use of the Taliban justice system partly reflects the growing space occupied by the Taliban shadow government in the province and also weaknesses in the state justice system such as corruption and delays.

**Increase in Unfair treatment in the formal and informal justice systems:** From 2011 - 2014 there has been an increase in people who claim that they have been treated unfairly by the formal court. There has also been a rise in numbers of people who claim unfair treatment

on the part of the shura (informal justice sector). However, shuras are still perceived to treat people more fairly than the formal courts.

**Increase in Influence of external actors on the justice system:** There has been an increase since the 2011 and 2012 assessments in the number of people who think that court officials are susceptible to powerful external actors/groups. While the influence of powerful commanders and/or politicians continues, heightened forms of intimidation now exist in the form of Anti-Government Element (AGEs) targeted assassinations on state justice officials in Kunduz.

**Bribery and corruption in the formal justice system:** Results on bribery and corruption in the justice system have remained reasonably constant over the 4 IPM assessment periods. The self-reporting on bribery in the justice sector is difficult to decipher given that it is an endemic problem that routinizes people to expect corruption even if it is not present. The data on bribery is, at times, contradictory. A majority of people who have used the state courts in 2014 reported that they did not need to pay a bribe. However, only 15% of community respondents think that a court official would help them without a bribe.

**Referrals to the informal and formal justice systems:** The shura tends to refer more criminal cases to the formal justice system because it is well understood that the court is the legal arbiter for resolving criminal cases. The Huquq officials tend to refer more civil cases initially to the shura because the shura are perceived as cheaper and less prone to corruption than the formal justice system.

**Personality-based Relationship Between Cooperation between formal and informal justice institutions:** The shura members describe their cooperation with the Huquq as good in the mediation, resolution and mutual referral of civil cases. However, this cooperation appears to be driven by personalities rather than formal guidelines and cooperation between the two institutions is not uniform across the districts. Although shura members recognize the state justice system's pre-eminence in criminal cases, there are instances when shuras try to distance themselves and their communities from this legal organ due to the taint of corruption and bribery.

#### **Domain Four: Awareness, Acceptance and Accessibility of the Community, Police and Justice System**

**Breakdown of Community-Police Relationship:** 2014 analyses reveal a significant deterioration in people's perception of police effectiveness, and in particular, trust in the police between 2012 and 2014. Correspondingly, over three-quarters of the AUP interviewed throughout Kunduz in 2014 believe that communities do not value their services. These findings are concerning and may suggest a fundamental breakdown in community-AUP relationships and a cause for low morale amongst police officers.

**Decrease in Community Accessibility to the Police:** There has been a decrease in community access to a police office since the baseline survey was conducted in 2011 and a corresponding increase of people in 2014 that say that a police office is not at all accessible. However the majority of Kunduz residents would still seek out a police officer if a crime were committed against them. Declining rates of access to the police are cause for concern in the

degenerating law and order situation in Kunduz in 2014.

**Limited Accountability of the Police:** Despite strong indication of a breakdown in trust and respect between the population and police in Kunduz in 2014, the police perceive (or at least, do not admit) that police accountability and feedback systems need improving and they do not have any current initiatives to make the AUP more accountable to the population. Interestingly none of the respondents directly mentioned any of the initiatives to enhance police accountability that have been introduced by the Netherlands and GIZ partnership on community policing.

**Decline in Ethnic Minority Representation in the Police:** In 2014 there has been a slight increase in numbers of people who do not think that their ethnic groups are fairly represented in the Kunduz AUP. While patronage networks are very strong within the AUP and can influence promotion and postings, it may be that these networks are not solely based on ethnicity but also on political affiliations.

**Decrease in Women's Access and Representation in the Police:** In 2014, the percentage of people who think that a woman could get a job in the AUP has declined since 2011. The most notable decline has been in the rural hinterlands of Kunduz province. General awareness of women in the police force is very variable across the province with high awareness in Kunduz Centre and Imam Sahib but extremely low awareness of women in the police in Char Dara, Dashti Archi and Qala-e-Zal. It is not surprising that the small number of females in the AUP would be clustered in the province capital and Imam Sahib (which was once considered) a stable district.

**Significant Decline in Citizen's Trust and Accessibility to the (formal and informal) Justice Systems:** The 2011 and 2012 IPM assessments reported good access to state justice institutions, a presence of judicial institutions in each district, and a growing capacity of these bodies. Despite these previous findings and a significant international, including Dutch investment in judicial hardware and training, there has been a significant decline in 2014 in people who say they can access a formal court. These results can be explained within the context of the security situation of 2014. State courts are typically located in district centres and travel between the villages to the district towns has become extremely hazardous in districts such as Char Dara. At a broader level, this may also indicate a decreased operating space for GoA institutions and perhaps an increased space for non-government justice providers, such as the Taliban.

From 2011 - 2014, the numbers of people who felt that the formal courts were too expensive to access rose significantly. Corruption continues to be cited at the primary barrier to accessing the state justice system. It is hard to determine the line between perceived corruption and tangible corruption as reported by the community respondents. It is likely that the breakdown of law and order has contributed to greater impunity to commit acts of corruption. However whether the corruption is fact or perception, the community responses in 2014 raise some serious questions about court procedures in Kunduz province.

**Decrease in Gender Equity in the Justice System:** There has been a decrease in the perceived equality of women to access the formal court system since 2011. However, there has been significant improvement in 2014 in terms of gender equality in the informal justice

system. These results lend substance to the goal of advancing to a more equitable position for women vis-à-vis the Afghan (informal) justice system. However, there remain significant barriers and social codes that govern the actions of traditional and formal justice systems in regards to their treatment of women.

**Ethnic Bias in Equity and Access to the Justice System:** Ethnic favouritism is a growing phenomenon in the state court system. In 2014, there has been a notable increase in numbers of people who believe that judges are more likely to favour people of their own ethnic group. The levels of perceived ethnic bias are even higher in shuras than in the formal courts. Since the baseline survey there has been a significant increase of people who think that members of a shura are more likely to favour people from their own ethnic group. This is a worrying situation that has the potential to perpetuate ethnic cleavages at a local level and increase the possibilities of local conflict in an already volatile situation.

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### Section One:

## Context and Methodology of the 2014 Assessment of the Integrated Police Training Mission in Kunduz

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*During the past twelve years, more than thirty-seven different international donors have been involved in supporting ANP development. Most of them are also contributing nations to NTM-A/ CSTC-A, EUPOL, or both.*

### The Afghan National Police in 2015 and Beyond (USIP)

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### 1.1 An Overview of the Dutch Integrated Training Mission in Kunduz

The Dutch Government approved the Integrated Police Mission (IPM) on 7 January 2011. In July 2011, Dutch personnel arrived in Kunduz to begin the mission. Initially the IPM was slated to continue until mid 2014.<sup>2</sup> However, the IPM concluded in December 2012, with training responsibilities handed over to the Afghan authorities. The reason cited for the premature closure of the mission was the withdrawal of German military forces in the region that were responsible for the security of the IPM officers. It is important to observe that the Netherlands continued to support related interventions that may well have influenced the final survey beyond the withdrawal of the IPM. These include continued support to the European Union Police Mission in Afghanistan (EUPOL), the International Security Assistance Force (ISAF), the Combined Security Transition Command – Afghanistan (CSTC-A), the UNDP-administered Law and Order Trust Fund for Afghanistan (LOTFA) and IPM related initiatives funded by the Netherlands Law and Order Programme (refer to Annex 1). Given the array of bi-lateral and multi-lateral efforts aimed at improving law and order at both national and sub-national level, as well as other factors that have an impact on the security situation, it is not possible to attribute changes directly to the Dutch intervention.<sup>3</sup>

According to Dutch Government documentation, the Dutch contribution to the IPM consisted of 545 personnel with 225 civilian and military trainers and 5 judicial experts. Medical, logistical and staff support was provided by 125 Dutch military officers.<sup>4</sup> The reported actual costs for the IPM from 2011 – 2013 were slightly over 250 million Euros.<sup>5</sup> The main inputs and outputs of the mission

<sup>2</sup> According to a cabinet news article of 12 January 2011, reported on the Royal Netherlands Marechaussee website, the mission was initially slated to end in mid-2014 (<http://www.defensie.nl/english/organisation/marechaussee/news/2011/01/12/cabinet-police-trainers-for-afghanistan>).

<sup>3</sup> A rigorous attribution or contribution analysis would have required a different approach, which was not feasible in Afghanistan within the budget constraints.

<sup>4</sup> *ibid.*

<sup>5</sup> 2011: Euro 69.2, 2012: Euro 98.8, 2013: Euro 47.1. The final amount was not reported in the final evaluation (Eindevaluatie Geïntegreerde Politietrainingsmissie {Final Evaluation of the Integrated Police Training Mission}, (Ministry of Foreign Affairs, The Hague, 2014).



are provided in Annex 1.

The intended impact of the mission was that “The population of Kunduz province perceives the Afghan civilian police and other elements of the rule of law sector as better accessible, more capable and better able to protect basic rights.” This objective was supported by four mutually reinforcing goals relating to capacity and coordination improvement in the civilian police and justice system (described in more detail in section 1.3 of this report). Explicit linkages were made between the IPM and 2010 Afghan National Police Strategy (ANPS) in terms of prioritising the importance of a qualitative improvement in police training and strengthening ties between the police and public prosecutor.<sup>6</sup> Lessons were also learned from the German Police Project (GPPT) team that had been operational in Northern Afghanistan since 2002 in terms of linking police training more substantively with the justice system.

## 1.2 Objectives of the Annual Assessments of the Integrated Police Training Mission

This 2014 report is the fourth and final in a series of annual assessments that monitors the impact of the Dutch Integrated Police Training Mission in Kunduz province in northern Afghanistan. This assessment is based on a research process that aims to identify changes in community perceptions of the police and justice system within the context of the Dutch mission to improve ‘rule of law’ processes and structures in Kunduz, against a baseline study conducted in 2011. To this end, the report provides a reading of the levels of local confidence in justice institutions including the Afghan Uniform Police (ANP), the judiciary, the Huquq, and local informal structures such as community shuras.<sup>7</sup> Although the introduction of a theory of change has changed the structure of this report, key indicators, inter alia, bribery, fair treatment and motivations are directly compared to the 2011 baseline survey.

The Afghan National Police includes several distinct entities operating under the direction of the Ministry of Interior (Moi). These police forces include the Afghan Uniform Police, which is the “face of the government to the Afghan people.”<sup>8</sup> It is the largest component

of the ANP with 90,500 members. It provides key police services such as public order, crime control, traffic control, and fire, rescue, and emergency response. It has a presence in all 34 provinces. The other four specialized police units are the Afghan National Civil Order Police (ANCOP), the Afghan Border Police (ABP), the Counter Narcotics Police of Afghanistan (CNPA), and the Counter Terrorism Police (ACTP).<sup>9</sup> The IPM was primarily concerned with the AUP and thus the yearly assessments have focused most closely on the AUP component. However, most secondary documentation refers more generally to the ANP and is cited as such in this report.

This report differs from the earlier assessments in three important ways. First, the 2014 assessment has focused more keenly on capturing perceived improvements since 2011 and importantly, the chances for sustaining these changes. Second, in order to view the Mission and associated changes in a more comprehensive framework,<sup>10</sup> a theory of change (ToC) model has been reconstructed. The ToC is elaborated upon in the following section. Third, given the significant evolution of the security situation in Kunduz, more attention is paid to contextualise the findings for each district. It is stressed that some of the significant changes that have been observed in 2014, particularly in terms of trust in the ANP can only be understood with reference to the unique security architecture of each district.

## 1.3 Reconstructed Theory of Change Model

The advantage of a theory of change model is that pathways of change (that lead to the overall goal) can be viewed holistically rather than as discrete indicators. This type of model is particularly useful in final assessments to judge how far the mission has come to achieving its goals. The Dutch IPM did not have an explicit ToC. Therefore, a reconstructed ToC has been developed to test in this final assessment.

### The overall goal or impact statement is:

The population of Kunduz province perceives the Afghan civilian police and other elements of the rule of law sector as better accessible, more capable and better able to protect basic rights

There are also **four domains of change** that are required to be addressed in order to achieve (or at least contribute) to the overall goal:

*Domain 1:* Quality of the police has improved

*Domain 2:* Cooperation between the civilian police and justice

<sup>6</sup> *ibid.*

<sup>7</sup> Therefore the three previous reports should be read in conjunction with the 2014 assessments. Earlier reports can be accessed at <http://www.cpau.org.af/publications.html>.

<sup>8</sup> Donald J. Planty and Robert M. Perito, “The Police Transition in Afghanistan,” (USIP, Washington DC : February 2013).

<sup>9</sup> Afghan National Civil Order Police (ANCOP): The ANCOP is an elite unit created to respond to civil disorder. It is headquartered in Kabul and has 14,500 personnel assigned to five different brigades: Kabul, Kandahar, Herat, Gardez and Helmand. Afghan Border Police (ABP): The ABP has 20,000 members, and is responsible for security at Afghanistan’s international airports and land entry points, and for a border security zone that extends for 50 km into Afghanistan. Afghan Anti-Crime Police (AACP): The AACP provides the investigative and intelligence services of the ANP. It also takes on the internal roles of inspector general and internal affairs. It is currently divided into separate branches tasked with specific roles: counterterrorism, counter-narcotics, police intelligence, criminal investigation, major crimes, special operations and forensics.

<sup>10</sup> The Terms “IPM” and “Mission” will be used interchangeably.

system is strengthened

*Domain 3:* Quality of the justice system is improved

*Domain 4:* Awareness, acceptance and accessibility of the civilian police and justice system have increased, especially among ethnic, social and religious minorities

Each of the four domains is comprised of sub-domains. These are the critical areas that are measured by the assessment to determine advancement or regression in each domain of change. These sub-domains are shown on Figure 1.1 (see Annex 1.4).

The overall goal, domains and sub-domains are under-pinned by a set of assumptions. These assumptions are not stated clearly in one document but have been gathered from an array of documentation relating to the IPM, most specifically, the Multi-Annual Strategic Plan, 2011 - 2015: Netherlands Embassy Kabul and reporting on the Dutch parliamentary discussions prior to implementing the IPM.<sup>11</sup> Some of these assumptions have held true but others have not been proven over the 3-year assessment period:<sup>12</sup>

1. The Dutch training mission will be implemented as planned (with proposed inputs and expected timeframe)
2. Willingness of the Government of Afghanistan (GoA), security and judicial apparatus to actively cooperate with the Dutch IPM
3. The security situation will remain dynamic but will not deteriorate significantly
4. The IPM will not operate in a vacuum. The IPM interventions will be supported by other initiatives such as ISAF trainings and donor projects on security and formal/informal justice systems
5. Police officers, trained well, will apply lessons learned
6. Police officers will uphold the law and not be a source of insecurity (or attack international trainers)
7. Transformation of a counter-insurgency oriented ANP to focus on civilian law enforcement and integration of police into a wider rule of law context<sup>13</sup>
8. Ethnic (or tribal affiliations) will not override police standard operating procedures or mandate
9. Formal justice systems are primary justice providers<sup>14</sup>

Table 1.1: Assumptions

The IPM has aimed to enact change in three groups (1) Stakeholders – actors who have a vested interest in the IPM and can play a negative or positive role in the change process. (2) Target groups – actors who are directly involved in the IPM activities (3) Beneficiaries – the wider groups of people who will benefit from the positive changes of the IPM outputs and outcomes. Correspondingly, these groups have been interviewed in all of the IPM assessments:

Stakeholders	Target Groups	Beneficiaries
Shura Huquq Prosecutors	Police (new recruits, serving police and management)	Community members (including ethnic and religious minorities, women)  Prisoners/ police detainees

Table 1.2: Groups that have been interviewed

<sup>11</sup> <http://www.defensie.nl/english/organisation/marechaussee/news>

<sup>12</sup> It is important to highlight that in 2014, despite requests, the CPAU research team have not had access to any IPM programme documents, which would be expected to outline these assumptions clearly.

<sup>13</sup> Multi-Annual Strategic Plan, 2011 - 2015: Netherlands Embassy Kabul (September 2012), p.5.

<sup>14</sup> "The training mission will contribute to establishing oversight and control by the formal justice sector over the informal and traditional justice providers in Kunduz." Multi-Annual Strategic Plan, 2011 - 2015: Netherlands Embassy Kabul (September 2012), p.12.

## 1.4 Context of Kunduz Province

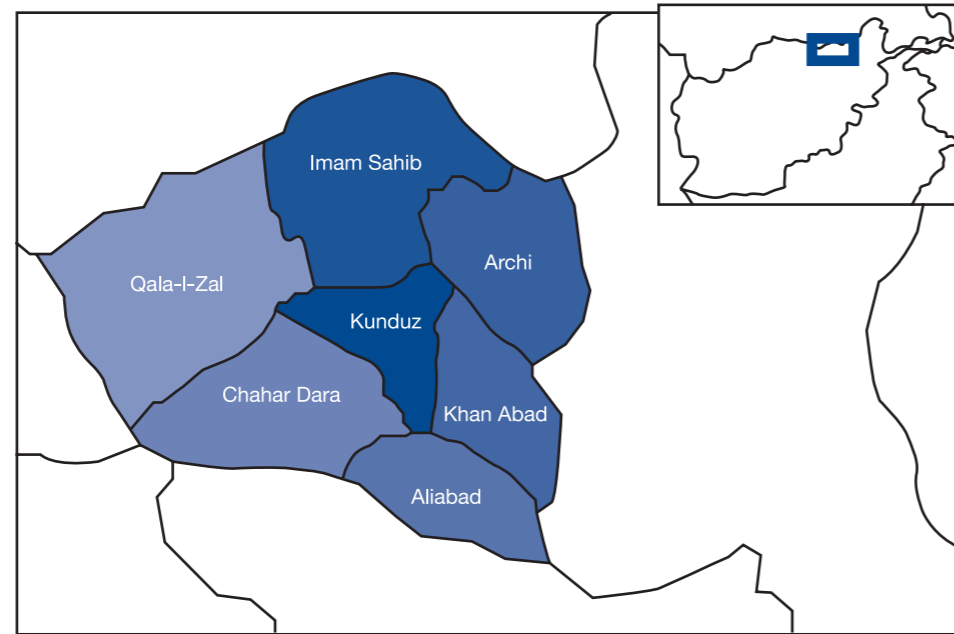


Figure 1.2 Kunduz Province

### Kunduz Province

- Located in the northern Afghanistan with borders to Takhar, Baghlan and Balkh provinces and Tajikistan. It is often viewed as the regional hub for this region.
- The population of the province is approximately 953,800.
- The ethnic composition of Kunduz is estimated to be: Pashtun: 33%, Uzbek: 27%, Tajik: 22%, Turkmen: 11%, Hazara: 6% Pashai: 1%.

In recent years there has been a proclivity to frame international development and security assistance dialogues around the concept of ‘transition in Afghanistan’. Indeed part of the intended IPM goal also makes reference to this concept: “The Netherlands contribution is focused on enabling the execution of the transition process in the period 2011-2014.”. The notion of a transition in Afghanistan has multifarious meanings. The drawdown of the International Security Assistance Force (ISAF) at the end of 2014 has often been perceived as a time bound reference point for a transition to Afghan leadership and responsibility for security in the country. The 2014 internal final evaluation of the IPM interprets the IPM as supporting the transition by transference of responsibility for security from ISAF to the Afghan Security apparatus.<sup>15</sup> However, the term is interpreted more broadly in this report as the Afghan Government progressively exercising its sovereignty in all spheres of nationhood, with a key focus on sustaining and capitalizing upon the gains made since 2002. This more holistic interpretation takes into account the IPM’s broader goals of linking security and justice and improving access to justice for the citizens of Kunduz.

2014-15 was a political milestone in the transitional context in Afghanistan with presidential elections held to find the successor to President Karzai. This was a protracted process and mired in allegations of corruption on both sides (in the final run off between

Dr Ashraf Ghani and Dr Abdullah Abdullah). By the time the fieldwork was conducted in December 2014, Ashraf Ghani had been formally declared president with Abdullah Abdullah occupying the newly created position of CEO. The conclusion of the election initially heralded in a honeymoon period of relief in Afghanistan. However, by the beginning of 2015, the President and CEO had failed to nominate new ministers and provincial governors. This hiatus of leadership induced a downturn in public optimism. It is in this political context that the assessment took place and which may have influenced people’s perceptions during the interview process. A CPAU study on the conflict in Kunduz has highlighted the complex mosaic of groups competing for interest in this province, “The historical background of conflict in the province, the fragmentation of authority through small local commanders, a proliferation of parties, ethnic diversity and a thriving licit (and illicit) economy poses a series of challenges to ensuring stability and security for the majority of the population.”<sup>16</sup> The 2013 IPM assessment further observed that, “it is important to note that public perceptions of justice provision can be fickle and affected by the rapidly changing political and security context.”<sup>17</sup> The security situation has not followed the original assumption of the IPM mission in terms of following a reasonably stable security trajectory. Instead, the underlying causes and drivers of conflict have served to heighten the volatility of the situation in Kunduz.

This final IPM assessment is situated firmly within the context of Kunduz in 2014-2015. As such certain groups of actors who have significant influence on the stakeholders, target groups and beneficiaries receive more attention than in previous surveys. One such group are the “warlords”. At the most basic definitional level such people can be described as “a person who has both military and civil control over a sub national area due to the presence of armed forces who are loyal to the warlord rather than to a central authority”.<sup>18</sup>

The term warlord in Afghanistan has become an amorphous label, often used with negative connotations to describe powerful local interests who draw power away from the centre to the periphery while challenging the legitimate state-building enterprise. In Kunduz, warlords or powerful local actors are keenly in focus in many of the interviewee responses. However, their interaction with communities varies significantly between communities. A 2012 study on warlords in Kunduz province highlights that, “Due to the absence of a reliable state, many Afghans regard the phenomenon of “warlordism” as a

<sup>15</sup> Eindevaluatie Geïntegreerde Politietrainingsmissie {Final Evaluation of the Integrated Police Training Mission}, (Ministry of Foreign Affairs, The Hague, 2014).

<sup>16</sup> Conflict analysis: Kunduz city, Kunduz province (CPAU, March 2009), p.1

<sup>17</sup> “2013 NL-IPM Progress Assessment - incomplete draft,” p.16.

<sup>18</sup> <http://en.wikipedia.org/wiki/Warlord>

*Together, the militias set up to fight the Taliban in Kunduz are stronger than the government itself. Local officials said that there were about a thousand Afghan Army soldiers in the province- I didn't see any- and about three thousand police, of whom I saw a handful. Some police officers praised the militias for helping bring order to Kunduz; others worried that the government had been eclipsed. "We created these groups, and now they are out of control," Nizamuddin Nashir, the governor of Khanabad, said. "The government does not collect taxes, but these groups do, because they are the men with the guns."*

**Dexter Filkins,**  
**The New Yorker,**  
**9 July 2012**

system of political life that is better than an unpredictable future.... Local power-holders resist state penetration, and aim instead to instrumentalize state resources for their own interests. Yet, at the same time, they are partly able to provide security and certain welfare functions to their constituencies, thereby gaining legitimacy. Moreover, local elites are strongly embedded in societal contexts.”<sup>19</sup>

Another group of powerful individuals that shape the security and political dynamics in Kunduz are the Arbeki. These are local militias. This is a term that is used nominally to denote pro-government militias with both good and bad reputations. In some instances, these militias are small, localised groups organised to protect neighbourhoods from unwanted external forces (criminal or insurgent groups). The legacy of such local militias is strong in Kunduz after decades of conflict. Arbeki can also be large-scale relatively organised groups under the control of a local strongman who may fight the Taliban but also exert a negative role over communities. An Afghan Analysts Network (AAN) study conducted in Kunduz in October 2014 highlighted the negative role that such groups can play: “Many people in Khanabad district do not consider the Taliban to be the main threat to their security and livelihoods. They complain about the many “irresponsible armed groups” – a synonym widely used locally for ‘free-lance’ armed groups that are not formally under government control but loyal to local ‘strongmen’, including prominent former mujahedin commanders. These armed groups extort money from farmers and shopkeepers while threatening kidnap or death.”<sup>20</sup>

It is important to note that Arbeki groups are also regularly subject to inter and intra group conflict over local resources and territory. Although ostensibly the modus operandi of the Arbeki is to support the GoA to fight the Taliban (hence the unwillingness of the GoA to disband these groups), there are also documented instances in Kunduz where powerful commanders have mobilised their militias to fight against the ANP.<sup>21</sup>

A final group in the complex security architecture of Kunduz are the Afghan Local Police (ALP). The ALP was established by presidential decree in August 2010 with the purpose of defending rural communities in areas where there was limited Afghan national army and police presence. As a Human Right Watch Report has

<sup>19</sup> Conrad Schetter and Rainer Glassner, “The Peripheralization of the Center: “Warlordism” in Afghanistan,” (Middle East Institute, April 19, 2012)

<sup>20</sup> Christian Bleuer and Obaid Ali, “Security in Kunduz Worsening Further: The case of Khanabad,” (Afghan Analyst Network, 28 October 2014)

<sup>21</sup> AAN has reported on an attack on a police chief in Khanabad District: “Commander Mir Alam’s militias recently launched an attack on the Bandar-e Shorab checkpoint, aiming to enter into the district center [of Khanabad]. They wanted to create chaos among the people and discredit Abdul Manan (former chief of police) to replace him with someone from their own group.” Christian Bleuer and Obaid Ali, “Security in Kunduz Worsening Further: The case of Khanabad,” (Afghan Analyst Network, 28 October 2014)

observed, “The term “police” in the title of the ALP is a misnomer, as the ALP is not really a police force. The terms of reference state that it is a “defensive force” that does not have law enforcement powers. Those supportive of the program say that it was created largely as a short-term fix for the Afghan National Police (ANP) and to free up the Afghan security forces to focus on offensive operations rather than defensive deployments....”<sup>22</sup> In reality, people in Kunduz (and throughout Afghanistan generally) make scant distinction between the Arbeki and the ALP.

The mosaic of state institutions, political parties, strong men (or warlords), pro Government security forces and Anti Government Elements (AGEs) operate within a complex web of patronage networks. The variable determining access to these networks is most commonly ethnicity. The Pashtun comprise the ethnic majority in the province.<sup>23</sup> However, many have a strong sense of disenfranchisement and exclusion from state institutions (including the Afghan National Security Forces - ANSF), Arbeki and ALP and this has been an important mobilisation tool for the Taliban in Kunduz. Patronage networks are firmly rooted within the ANP and influence recruitment, career advancement and posting assignments.

#### 1.4.1 District level security contexts

In October 2014, the AAN reported “Kunduz has had the worst security environment of any province in the north for the past few years. And within this province there are several districts that are particularly notable for the intractable conflicts raging within them.”<sup>24</sup> This section briefly describes the varying security contexts of each of the seven districts in Kunduz province.

##### Kunduz Centre

Kunduz centre is greatly exposed to AOG threats and seems to be surrounded by disenfranchised communities. The outlying villages of Kunduz districts are increasingly inaccessible from the city centre. However, as the table below indicates, in 2014 Kunduz still has the highest perceived levels of Government control followed by warlord control, which based on the supporting secondary sources seemed unrealistic.

<sup>22</sup> “Just Don’t Call It a Militia: Impunity, Militias, and the “Afghan Local Police,” (Human Rights Watch, September 2011), p.4

<sup>23</sup> The ethnic composition of Kunduz is estimated to be Ethnic Groups: Pashtun: 33%, Uzbek: 27%, Tajik: 22%, Turkmen: 11%, Hazara: 6% Pashai: 1%. Source: Program for Culture & Conflict Studies, ccsinfo@nps.edu (September 2009).

<sup>24</sup> Christian Bleuer and Obaid Ali, “Security in Kunduz Worsening Further: The case of Khanabad,” (Afghan Analyst Network, 28 October 2014)

N=150

	Government control		Taliban control		Warlord control		Arbeki control	
	Male	Female	Male	Female	Male	Female	Male	Female
Most control	97%	99%	5%		2%			
Some control	3%		11%	49%	82%	43%	3%	8%
Less control		1%	17%	27%	14%	37%	48%	34%
Least control			67%	24%	2%	20%	49%	58%

Figure 1.3 Community survey 2014: Groups with perceived Control in Kunduz Centre

### Aliabad

In 2014 security in Aliabad is relatively good vis-à-vis the other districts in Kunduz. As Figure 1.4 indicates, most community members perceive that the GoA has control of the district. However significantly more women than men think this is the case. After GoA control, people identify the warlords as having some degree of control in the district. Since the 2012 CPAU assessment, the warlords have greater perceived control in 2014.

Although the security context is relatively good, there are some general challenges complicating the situation in Aliabad that may well influence people’s perception of the police and justice sector. Tribal tensions exist between the GoA, police, Afghan Local Police and Taliban. In some cases, people are joining the Taliban as a direct extension of their tribal and political affiliations (for example, Tajik vs. Pashtun vs. Uzbek). The Arbeki commanders and police tend to view the Pashtun population as pro-Taliban and this causes tensions between these groups.

There is a growing ennuui and distrust of the Arbeki in Aliabad. The Arbeki and ALP are perceived as unprofessional and over-extorting the local population. This has had the effect of increasing support for the Taliban. Respondents also noted a popular dissatisfaction with growing political affiliations in the police. This trend is also generally observed in the survey and key informant interview data for 2014.

N=125

	Government control		Taliban control		Warlord control		Arbeki control	
	Male	Female	Male	Female	Male	Female	Male	Female
Most control	71%	96%	11%	2%	11%	3%	6%	
Some control	20%	2%	27%	23%	27%	40%	25%	35%
Less control	3%	2%	30%	12%	23%	47%	44%	37%
Least control	6%		32%	63%	39%	10%	25%	28%

Figure 1.4 Community survey 2014: Groups with Control in Aliabad

### Char Dara

Char Dara district has experienced greater insecurity in 2014. The IPM enumerators also observed a significant escalation in the breakdown of law and order in this district. Char Dara also has the lowest perceived levels of Government control of all the districts in Kunduz. The group most in control is identified as the Arbeki, followed by the Taliban. It is interesting to note that significantly higher numbers of males think that the Arbeki is in control. Conversely, significantly higher numbers of women think that the Taliban have most control. Compared to the CPAU assessment results in 2012, there has been a very significant decrease in numbers of people who perceive the Government to be in control.

As in Aliabad, there is an ethnic cleavage between Pashtuns who are most likely to join the Taliban and the Tajik who are most likely to join the ALP. The extremity of the situation in Char Dara district should be borne in mind when reading the results of the survey because this district often records the highest levels of negativity towards the police and justice system.

	Government control		Taliban control		Warlord control		Arbeki control	
	Male	Female	Male	Female	Male	Female	Male	Female
Most control	20%	8%	8%	57%	11%	33%	66%	24%
Some control	80%	53%	5%	15%	3%		16%	22%
Less control		8%	26%	9%	58%	34%	9%	13%
Least control		31%	61%	19%	28%	33%	9%	41%

Figure 1.5 Community survey 2014: Groups with Control in Char Dara

N=128

### Dashti Archi

Dashti Archi has also faced growing insecurity in 2014. However, the majority of both female and male community respondents felt that the GoA still had the most control in this district. The group cited as having the second most control is the Arbeki. These figures are reasonably constant with the 2012 IPM survey results (Annex 1.1). The enumerators observed that the Arbeki and GoA tend to control the district centre but the Taliban controls the village hinterlands. Therefore interviewees living some distance from the district centre are more likely to be exposed to Taliban justice and security measures than those of the GoA.

CPAU surveyors attributed some of the instability in the district to Pashtun frustration at their exclusion from GoA institutions in the district. Uzbek and Turkmen dominance in the state institutions is seen as driving Pashtun grievances. Therefore Pashtun interviewees

are more likely to record higher levels of dissatisfaction with the police and justice systems in this locale.

N=127

	Government control		Taliban control		Warlord control		Arbeki control	
	Male	Female	Male	Female	Male	Female	Male	Female
Most control	70%	74%	19%	10%	11%	13%		
Some control	25%	19%	7%	7%	18%	14%	51%	52%
Less control	4%	6%	5%	13%	59%	60%	31%	32%
Least control	1%	1%	69%	70%	12%	13%	18%	16%

Figure 1.6 Community survey 2014: Groups with Control in Dashti Archi

### Imam Sahib

Iman Sahib has been considered as a reasonably stable district but in 2014, it experienced increasing levels of insecurity. Both male and female community members perceived the GoA as having most control over the district. Warlords are perceived to be the secondary force in control of Imam Sahib. These findings should be nuanced with the fact that warlords and Arbeki are usually closely associated, with the former tending to command local Arbeki groups. Compared to the 2012 CPAU assessment results there has been a perceived increase in Government control in 2014 and a decrease in perceived control of the Arbeki.

CPAU assessment surveyors noted a growing dissatisfaction with the activities of the Arbeki in this district. Community members described both the Arbeki and Taliban appropriating 10% of their crops each and also grabbing land. The Arbeki are reported to be interfering in family issues such as forcibly selling widows. These activities, which should be rightfully addressed by the justice system and police, may colour people’s perceptions of the AUP and formal justice system.

N=130

	Government control		Taliban control		Warlord control		Arbeki control	
	Male	Female	Male	Female	Male	Female	Male	Female
Most control	85%	97%	4%		12%		8%	
Some control	9%		27%	23%	46%	29%	19%	48%
Less control	3%	1%	17%	56%	26%	42%	62%	4%
Least control	3%	2%	52%	21%	16%	29%	11%	48%

Figure 1.7 Community survey 2014: Groups with Control in Imam Sahib

### Khanabad

A majority of community members perceive that the GoA is most in control in the district. However, 35% more women think this than men. The second group perceived to be in control is warlords. As in the case of Imam Sahib, these findings should be nuanced with the fact that warlords and Arbeki are usually closely associated, with the former tending to command local Arbeki or militias. Compared to the 2012 CPAU assessment results there has been a decrease in perceived levels of Government control and an increase in warlord control.

“Within this province [Kunduz] there are several districts that are particularly notable for the intractable conflicts raging within them. One notable area in this regard is Khanabad district, where government forces, nominally pro-government militias, illegal armed groups and the Taliban all vie for power and control, much to the detriment of the local civilians.”<sup>25</sup>

	Government control		Taliban control		Warlord control		Arbeki control	
	Male	Female	Male	Female	Male	Female	Male	Female
Most control	52%	87%	20%		2%	2%	27%	16%
Some control	2%	2%	5%	2%	53%	85%	41%	9%
Less control	22%	11%	8%	5%	42%	11%	27%	72%
Least control	24%		67%	93%	3%	2%	5%	3%

Figure 1.8 Community survey 2014: Groups with Control in Khanabad

N=126

### Qala-e-Zal

Qala-e-Zal is (relatively) the most peaceful and secure of all the districts in Kunduz. A majority of male community members (69%) perceive that the GoA has most control. However, a majority of female community members (53%) perceive that the Arbeki has most control in the district. Compared to the 2012 CPAU survey results, there has been a significant increase in Government control and a decrease in Arbeki control in 2014.

Research and intelligence collected in this district indicates that powerful commanders, rather than the GoA security apparatus, control the security situation: “Since Kunduz authorities helped stand up pro-GIRoA militia forces in early Fall 2009, the forces have evolved in very different directions. In Qala-e-Zal district, a well-disciplined force has brought about a marked improvement in security... Militia forces under the command of Nabi Gichi have been

25 Christian Bleuer and Obaid Ali, “Security in Kunduz Worsening Further: The case of Khanabad,” (Afghan Analyst Network, 28 October 2014)

the most organized and disciplined of the various groups operating in Kunduz province.”<sup>26</sup> Therefore the relative stability of this district is largely contingent on extra-state forces and thus although the district is relatively peaceful, this may not necessarily equate to strong positive findings for the AUP and state justice sector.

N=125

	Government control		Taliban control		Warlord control		Arbeki control	
	Male	Female	Male	Female	Male	Female	Male	Female
Most control	69%	43%	3%		6%	3%	24%	53%
Some control	20%	54%	3%	8%	15%	11%	60%	28%
Less control	8%		16%	25%	65%	64%	13%	12%
Least control	3%	3%	78%	67%	14%	21%	3%	7%

Figure 1.9 Community survey 2014: Groups with Control in Qala-e-Zal

## 1.5 Methodological Approach

### 1.5.1 Overview

This final assessment of the CPAU assessment of Dutch IPM relies upon an extensive mixed-methodology (quantitative and qualitative) research process implemented by CPAU across all seven districts of Kunduz province in Afghanistan. This assessment has collected data using surveys and structured interviews. Surveys were conducted with police (n=182) and community members (n=920). In addition, structured interviews were conducted with police management, police recruits, Huquq officials, community shuras, local citizens, and prisoners. People were interviewed across all seven districts of Kunduz province. In order to put the results into an apposite context, this assessment has also drawn on secondary research on the police and justice system in Afghanistan and Kunduz. The bibliography is provided in Annex 1.2.

The 2014 research instruments were founded on the 2011 baseline and the 2012, 2013 progress assessment instruments. While some portions of the instruments have remained unchanged during this period, some of the questions underwent revision during 2012 and again in 2013. In the 2013 cycle both the community survey and the police survey were subject to significant revisions. However, in 2014, the complexities of the 2013 questions were deemed unrealistic for the changed security context in Kunduz.<sup>27</sup> Therefore in order to facilitate the interviewing process in the field and provide some overall cohesion on this final assessment, the 2014 questions

<sup>26</sup> [https://www.wikileaks.org/plusd/cables/10KABUL12\\_a.html](https://www.wikileaks.org/plusd/cables/10KABUL12_a.html)

<sup>27</sup> Many of the questions on the community survey are sensitive and given the insecurity, this heightens people's concerns. In this context it is likely to do harm to ask long and complex questions.

most closely follow the 2012 format.

One Senior Researcher operating out of CPAU's Kunduz City office managed the data collection. Four Research Officers working in Kunduz and Kabul assisted him. The Kunduz research team hired and trained twenty-eight surveyors (14 female, 14 male) from local communities,<sup>28</sup> who were responsible for conducting the community

Instruments	Total	Kunduz Centre	Imam Sahib	Khan Abad	Ali Abad	Dashti Archi	Char Dara	Qala-e-Zal	Female
Community Survey	920	136	130	129	124	143	130	126	445
Police Survey	190	30	25	26	25	28	28	28	0
Police Management Interviews	9	2	1	1	2	1	1	1	0
Shura Interviews	36	0	6	5	7	4	7	7	12
Huquq Interviews	10	2	1	1	2	2	1	1	0
Citizen Accounts	146	21	22	22	23	17	21	20	72
Prison Interviews	30	30							0
Police Recruit Survey	50	50							0

Figure 1.10 Interviews and Survey Sample in 2014

survey. In most instances, the researchers were involved in previous CPAU assessments and were well versed in the methodology. Hiring local surveyors also enabled CPAU to access villages in all seven districts, even in insecure areas. Each surveyor was carefully (re) trained in the appropriate surveying methodologies based on the principles of conducting research in fragile contexts.<sup>29</sup> CPAU's Senior Researcher and Research Officers were responsible for collecting data from the police (including management and new recruits), prisoners, and justice officials.

### 1.5.2 Methodological tools

#### Surveys

A community survey (n = 920), and a survey of AUP personnel (n = 190), were conducted in December 2014. As Figure 1.10 indicates, in the community survey, endeavours to access equal numbers of male and female participants were met with reasonable success.

<sup>28</sup> The terms “researchers,” “surveyors” and “enumerators” will be used interchangeably through the report.

<sup>29</sup> Compendium #1 – Planning, Monitoring and Evaluation in Conflict Prevention and Recovery Settings, BCPR (UNDP, 2010)

A detailed description of the sampling methodology is provided in Annex 1.3.

### Structured Interviews

CPAU researchers and surveyors conducted extensive interviews with police respondents and individuals from both the formal and informal justice sectors. Furthermore, members from the local community who had dealt with criminal or civil cases within the justice system were also interviewed (these experiences are collected as ‘citizen’s accounts’). Local community shuras or Huquq officials assisted the surveyors in identifying candidates to be interviewed. CPAU Research Officers conducted the interviews with local prisoners inside the Kunduz City main prison.

## 1.6 Limitations and Mitigation Strategies

This is the final CPAU assessment and many of the challenges (and corresponding mitigation strategies) have been identified in previous cycles. However, the limitations of the monitoring can be broadly classified into four components: (1) Operational, (2) Self-reporting, (3) Programmatic and, (4) The cultural context.

### Operational challenges and mitigation strategies

The security situation in Kunduz is dynamic and poses significant challenges for access, especially interviewing in communities that are subject to strong Arbeki control and/or contested by anti-government groups. This is particularly the case for districts such as Khanabad where large scale armed clashes were on going during the fieldwork. Due to such incidents, the researchers would sometimes have to leave a community and wait a day before resuming their work. CPAU made a strong effort to recruit the best surveyors from previous assessments, which has reduced the impact of these access limitations since surveyors are able to safely and creatively gather quality data from the target population.

Even in relatively secure locations such as central Kunduz city, it was observed that the interviewees sometimes felt nervous about sharing information for fear of retaliation from both the Taliban and Arbeki. Concerns of divulging information and thus being branded a spy by the Taliban was a significant concern. These (understandable) fears may have compromised the level of detailed information that the interviewees were able to provide.

Given the context described above, the assessment team decided to shorten the community survey interview time.<sup>30</sup> To achieve this objective, the survey questions were simplified and the less

pertinent questions were omitted from the questionnaire.

Despite concerted efforts, in 2014, CPAU researchers were not able to obtain the necessary introductory letter from the Ministry of Justice (MoJ). Therefore it was not possible to interview prosecutors or court officials during this final assessment. Correspondingly, it was not possible to gain access to the numbers of lawyers currently working in Kunduz. Instead these figures have been taken from secondary sources.<sup>31</sup>

There is a decrease in the number of shura interviews conducted in the 2014 assessment. This is due to the fact that CPAU’s project with the peace shuras has now closed and this has limited the ease of access experienced in previous survey years.

### Self-reporting challenges and mitigation strategies

This research project is based upon perception surveys and self-reported data, and it is important to recognize that the respondents’ words might not match their actions in many cases. For example, there may be dissonance between what a police officer says he would do in a hypothetical situation and what he actually does. A police officer may understand what is ‘acceptable’ to say knowing that their actions are being scrutinized in this report. In similar fashion, local populations may be reluctant to criticize the actions of local justice actors for a variety of reasons.

Another issue identified by the enumerators is that many community members do not have a firm grasp of how the formal justice system operates. Therefore responses to questions requiring a more detailed knowledge of the formal system may lack depth and nuance. However, this lack of knowledge and experience is an important finding in itself and indicates a strong proclivity to use informal (rather than formal) justice systems in communities.

### Programmatic challenges and mitigation strategies

The political and security situation in Kunduz province has changed rapidly over the last three years. In interpreting the results of this research it is important to identify and scrutinize the various exogenous and endogenous factors at play that may shift public perceptions of justice development in the province. Hence in this final assessment, far greater attention has been paid to the political and security context using the district level as the primary unit of analysis.

<sup>30</sup> CPAU Lead Researcher and the Principle Investigator

<sup>31</sup> “Promoting the Rule of Law in Afghanistan,” (GIZ: March 2014).



The community questionnaire consists of sets questions that aim at measuring more or less the same concepts, such as ‘perception of police effectiveness’ or ‘trust in the police’. In many cases, concepts like these cannot be measured adequately by one indicator (question), but only by a larger number of questions. Therefore in this final assessment a Categorical Principle Component Analyses (CATPCA) has been undertaken to generate latent variables based on clusters of questions on police effectiveness and trust in the police and formal courts (based on 2012 and 2014 results).

### **Cultural issues and mitigation strategies**

Cultural barriers continue to prevent some females from participating in the assessment. Strong social norms hinder many women from openly discussing the state of justice provision in Kunduz province. Since 2011, the CPAU monitoring teams have included female researchers and in 2014, females comprised a higher percentage of the community survey than in previous years.

There are cultural and social expectations governing the entrance of outsiders such as CPAU surveyors into rural villages in Afghanistan. Surveyors are often required to submit to the wishes of community gatekeepers in order to safely operate in many villages. Working together with gatekeepers’ remains a cultural requirement, and ignoring these cultural requirements can result in surveyors being endangered or asked to leave a village.

### *Section Two:*

## **The Quality of the Afghan Uniform Police has improved in Kunduz Province**

According to a study conducted by the United States Institute for Peace (USIP), “It is easy to criticize the ANP. Accounts of corruption, incompetence, abuse of power, and pervasive illiteracy abound.”<sup>32</sup> Efforts by the international community to help the GIRoA build and professionalize this force have been an expensive and fraught endeavour. At times these efforts have been characterized by incongruent priorities and a lack of coordination played out against a backdrop of a heightening insurgency and an urgency to expedite the ‘transition in Afghanistan’.

In the previous assessments, bribery, illiteracy, the influence of local strongmen and drug use has been identified as key challenges to improving the quality of the AUP. The sections below indicate that while there have been some improvements in 2014, for example in education levels of AUP personnel, there are significant challenges remaining. In 2014, the decreasing law and order situation in Kunduz meant that the citizen’s demands for AUP services is high but conversely, police time is increasingly occupied by combating the growing insurgency.

There are eight sub-domains concerned with the improvement of the AUP in Kunduz:

1. Willingness and capacity of the police is improved (motivation to join/stay in the AUP and capacity to uphold law and order)
2. The influence of powerful external actors
3. Quality of police training
4. Literacy in the police
5. Drug use in the police
6. Bribery in the police
7. Unfair treatment by the Police
8. Police detention procedures

<sup>32</sup> Michelle Hughes, “The Afghan National Police in 2015 and Beyond.” (USIP: Washington DC, May 2014) P.11.

This section is structured to highlight firstly the police’s own viewpoint in regard to any changes in the eight sub-domains. Where useful, these results are compared with perceptions gained from the community survey and other relevant actors such as shura and Huquq members. It should be recognised that external perceptions of the police can often be driven by a perceived wisdom rather than a detailed knowledge of police practices and procedures.

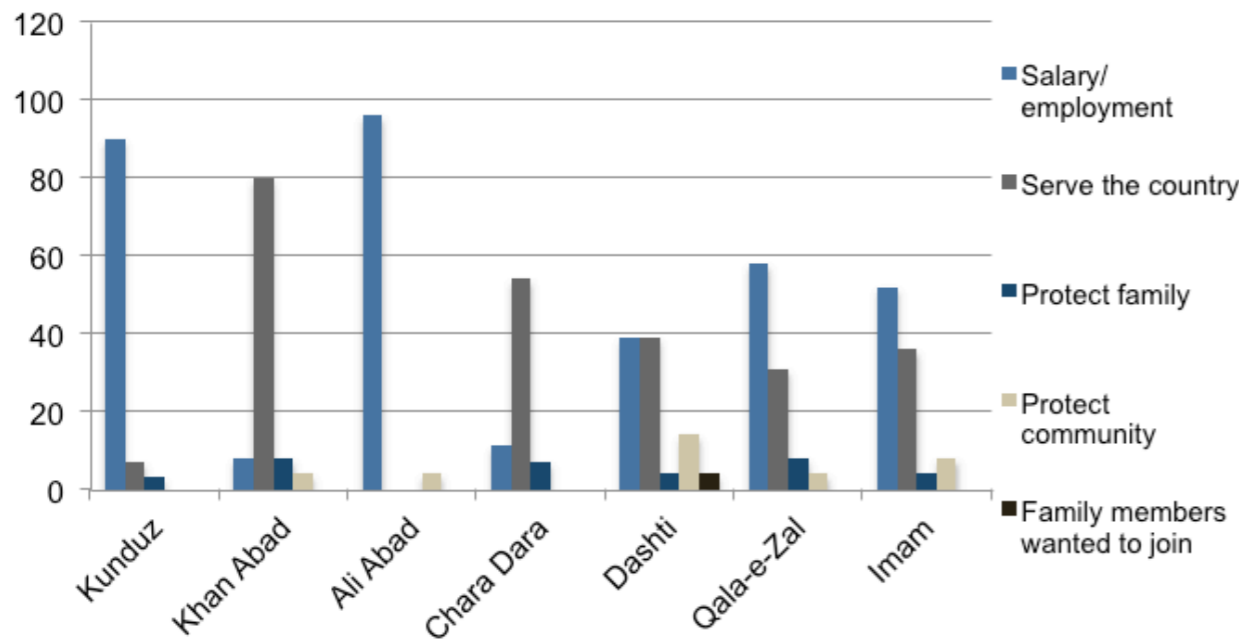


Figure 2.1 Police Survey 2014: Why join AUP

## 2.1 Willingness and Capacity of the Police

### Motivation to join and stay in the police

An insight into the willingness of police to serve people can be gained from understanding why they joined the AUP in the first place. The police survey of 2014 indicates that the main motivation is salary (51%) and secondly, to serve the country (35%). In Kunduz City, Ali Abad and Qala-e-Zal there is a very significant majority of officers who joined for salary and employment reasons (Figure 2.1). In Khanabad and Char Dara, the main motivation is to serve the country.

The results from the police recruits interviews indicate that the overall majority of police recruits (63%) were motivated to serve their country. However, police recruits were only interviewed in Kunduz City unlike the survey with AUP serving officers who were met in all seven districts. The latter group are likely to have had

a more sustained exposure to attacks and increased casualties than the recruits and thus are likely to express a less idealistic viewpoint. Furthermore, the 2011 baseline study provides evidence to be cautious in regard to self reporting on this question: “Several of the recruits, however, confided in CPAU’s Afghan researchers after the conclusion of the survey that, contrary to the answers they gave in the survey, their biggest motivation was actually financial rather than patriotic. Some of those recruits noted that they were previously unemployed, and that their families needed the income.”

The police survey findings of 2011 and 2012 indicated that the prime motivating factor for joining the AUP was serving the country, rather than salary as is the case in 2014 (Figure 2.2).

Motivation for joining the AUP	2011 (baseline) Police Survey	2012 (assessment) Police Survey	2014 (final assessment) Police Survey
Serve the country	59%	70%	35%
Salary/employment	20%	14%	51%
Protect the community	16%	7%	10%
Protect family	5%	5%	3%
Other reasons		4%	1%
N =	245	200	187

Figure 2.2 Police and Police Recruits 2011, 2012 and 2014: Motivation for joining the AUP

*The ANP lacks a system to track retention rates by career fields or specialties, and lacks a mechanism to establish recruiting or attrition goals by career field. In addition, the ANP lack a robust development program to grow NCOs (Non-Commissioned Officers). The ANP would benefit from more targeted retention and better career paths.*

**Department of Defense, Report on Progress Toward Security and Stability in Afghanistan, October 30, 2014, pp. 52-53.**

The current tashkil numbers in Kunduz are considered sensitive and are not available to the IPM assessment team. Recent audits by the Special Inspector General for Afghanistan Reconstruction (SIGAR) also indicate that the Mol tashkil monitoring and reporting of the ANP is very unreliable.<sup>33</sup> However, secondary sources indicate that attrition in the ANP is a serious problem. In the 2014 IPM assessment police were asked if officers are leaving the AUP and importantly, why. Six out of the nine police management interviewees in 2014 said that they are aware of people leaving the tashkil in the last year. In 2013 when police in general were asked this question, only 41% were aware of police leaving the tashkil. Although the police management may have a greater knowledge of staff turnover than police in general, the 2014 findings do point at larger numbers leaving the AUP. US Department of Defence research on the Afghan National Security Forces in 2014 also identified desertion and attrition as a growing problem in both the AUP and Afghan National Army (ANA).<sup>34</sup>

<sup>33</sup> “Some ANP data problems resemble those observed in the new SIGAR audit of the Afghan army: a largely paper-based system, little oversight, difficult verification, lack of documented verification procedures, inconsistent use, errors in records, missing ID cards, and inadequate computerized systems with thousands of erroneous or incomplete records...Auditors found the only control on ANP attendance was a requirement that personnel sign a roster every day. But ANP provincial officials said there were no daily sign-ins for the ordinary patrolmen who constitute about half the force.” Quarterly Report to the United States Congress (April 2015), p.10.

*“Fighting the insurgency should primarily be the responsibility of NATO forces and, increasingly, the Afghan National Army. However, because coordination between the Afghan police and army is a difficult problem, the police are being left to fight the Taliban in some areas and community policing is being neglected. The EU must seek the cooperation of the Afghan Ministry of Defence, NATO and the US to prevent the police being used as a substitute for the Afghan army in the counter-insurgency struggle”*

**UK Government  
Parliament Select  
Committee Response  
on EUPOL Mission,  
2011**

The trends of attrition and desertion are better understood when contextualised with the reasons that officers are leaving the ANP. The reasons for leaving are reasonably uniform across all the districts. The majority of police cited security risks (to themselves and their families from the Taliban and anti-government forces) as the main reason for leaving. Since the promulgation of the first Afghan National Police Strategy in 2010, the GOA has acknowledged that the ANP are subject to higher casualties than the ANA, “Terrorist tactics focus predominantly on the police rather than the international military and ANA, because the police patrol in small groups using more predictable patrol patterns, and they do not have the same capacity to respond with a sufficient quick reaction force.”<sup>35</sup> This trend has continued since 2010. In November 2014, General John Campbell (ISAF Commander) issued a statement regarding the heightened security risks to the AUP in the current insurgency context in Afghanistan: “...on the casualty piece, there has been an uptick in the number of casualties that the Afghan security forces have taken [in 2014]. But that was expected because they’re in the lead.... There’s much greater percentage rate on the police because that’s really the first line of defence. The police are not trained. They’re not equipped the same level that the Afghan Army and the special operating forces are equipped. So they’ve probably taken the brunt of those casualties [sic].”<sup>36</sup>

The second most common explanation for leaving is the highly politicised modus operandi of the AUP. The presidential elections of 2014 have served to further polarise the force into political camps. The third and fourth cited reasons for leaving the AUP are lack of leadership and family reasons (respectively).

### Perceived capacity of police to uphold law and order

In 2014 police recruits and management were asked whether they thought that they had the capacity to uphold security, law and order. 73% of police recruits either strongly agree (29%) or agree (44%) that they have the capacity to uphold security, law and order. A more mixed picture emerges for the police survey results shown in Figure 2.3. In Char Dara, Dashti-Archi, Qala-e-Zal and Imam Sahib, the police are less convinced that they are able to uphold security, law and order.

This question was also triangulated by asking community members whether they thought the police are capable and willing to uphold security law and order. Char Dara district is notable by the fact that 42% of people neither agreed nor disagreed in regard to the

	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Strongly disagree	3%		4%		7%	11%	4%
Disagree	3%	4%			11%	30%	12%
Neither agree nor disagree	7%			18%	39%	19%	16%
Agree	66%	92%	15%	25%	36%	33%	48%
Strongly agree	21%	4%	81%	21%	4%	7%	16%
No comment				36%	4%		4%
N =	29	26	25	28	28	27	25

Figure 2.3 Police survey 2014: Capacity and willingness of civil police to uphold security, law and order

police’s capacity. In Qala-e-Zal 60% of community members either disagreed or strongly disagreed that the police have capacity to uphold law and order (results chart in Annex 2.1). Since 2011, there has been an overall decline in numbers of people who believe that the police are capable to uphold security, law and order. In 2011, 67% of community members thought they were capable of doing so. In 2012, 60% of community members in Kunduz either agreed or strongly agreed that the AUP had the capacity to uphold security, law and order. However in 2014, only 47% of community respondents in Kunduz thought this was the case.

Members of the Huquq believe that while the police may have the capability to do their jobs, they are constrained by the current insurgency situation and the interference of powerful actors. The police management all cite the Taliban, powerful commanders and terrorists as the major blockers to executing their duties and responsibilities. This reinforces the observations made by Huquq interviewees.<sup>37</sup>

Police were asked whether they believe that there is enough police to provide security in their districts. The findings paint a quite alarming picture with a significant majority of police in Khanabad (96%), Aliabad (69%), Char Dara (89%), Dashti Archi (82%) and Imam Sahib (54%) believing that there are not enough police to provide security in their districts (full results provided in Annex 2.2).

The findings of the AUP survey are reinforced in the police recruits

34 Department of Defence 1230 and ISAF Command Summary of Status of ANSF in Late 2014, p.7.

35 Afghan National Police Strategy (Afghan Ministry of Interior, 2010) - <http://moi.gov.af/en/page/5076>

36 Source DoD News Transcript, October 2, 2014, <http://www.defense.gov/Transcripts/Transcript.aspx?TranscriptID=5512>

Commander, International Security Assistance Force and U.S. Forces Afghanistan General John F. Campbell on Transition and ANSF: October 2, 2014 - II

37 The term “terrorist” is used quite fluidly by some of the respondents and can indicate and criminal or ideological group committing acts of terror.

and police management interviews. In the case of the recruits, 62% believe that they need either some of many more police to provide security and 8 out of the 9 police management interviewed felt that more police were required.

Interviews with police management strongly indicate that they perceive that the biggest security threats in 2014 are the Taliban, Arbeki and activities of local commanders (who are often associated with Arbeki). The upturn in insecurity in Kunduz province in 2014 described in section 1.4 and increasing numbers of personnel leaving the AUP (described above) contextualize the clear concerns that the police have in regards to understaffing and security in their districts.

In 2011, 2012 and 2014, CPAU gathered perceptions from community members in regards to the police's ability to uphold security. It should be noted that in a similar fashion to the previous assessments, the study did not differentiate between AUP and other branches of the ANP such as the Afghan Border Police (ABP) and instead used the generic term police in most survey questions. The AUP is by far the largest branch of the ANP and the branch that civilians normally interface with. However, two northern districts (Qala-e-Zal, Imam Sahib) do have significant contingents of ABP.

In all the assessments (2011, 2012, 2013 and 2014) community members were asked whether there is enough police in their district to provide security (Figure 2.4). What is immediately noticeable is a growing disillusionment with the police to manage security, law and order in Aliabad, Char Dara and Imam Sahib. From 2012 – 2014 there is a 13% (Aliabad), 19% (Char Dara) and 33% (Imam Sahib) increase in people who believe that more police would not be able to uphold security law and order. Conversely in all districts (with the exception of Kunduz Centre), there has been a rise from 2012 – 2014 in the numbers of people who believe that they need many more police in their district.

## 2.2 Influence of Powerful, External Actors

The Human Rights Watch report (2015) highlights the impunity enjoyed by powerful figures such as Mir Alam (in Kunduz) and their links to the Afghan security forces.<sup>38</sup> The study raises serious concerns about the Afghan government and international efforts to arm, train, vet, and hold accountable Afghan National Police units, National Directorate of Security officials, and Afghan Local Police forces. Although powerful commanders such as Mir Alam grab the media and international community's attention, there are many more

		Year			Total	
		2012	2013	2014		
Is the number of police in this district enough to provide security, law and order?	Yes more than enough	Count	84	94	67	245
		% Within	9,4%	11,0%	7,3%	9,2%
	Year					
Yes, the right amount of police	Yes, the right amount of police	Count	213	280	249	742
		% Within	23,8%	32,8%	27,2%	27,9%
	Year					
No, we need some more police	No, we need some more police	Count	332	340	287	959
		% Within	37,1%	39,9%	31,4%	36,0%
	Year					
No we need many more police	No we need many more police	Count	247	139	236	622
		% Within	27,6%	16,3%	25,8%	23,3%
	Year					
No but more police wont be able to uphold security law and order anyways	No but more police wont be able to uphold security law and order anyways	Count	20	0	76	96
		% Within	2,2%	,0%	8,3%	3,6%
	Year					
Total	Total	Count	896	853	915	2664
		% Within	100,0%	100,0%	100,0%	100,0%
	Year					

Figure 2.4 Community surveys 2012 - 2014: Is there enough police in your district to provide law and order

*In Khanabad district one community member explained that a close member of his family had been murdered. The family paid bribes to different police officers to ensure their full cooperation in arresting the perpetrator. However, to date the suspected perpetrator has not been caught by the police. The respondent believes this is because powerful people in both Kunduz and Kabul are protecting the accused.*

### Citizen's Account Case Study (2014)

power brokers and warlords who have the means and interests to influence the performance of the police in Kunduz.

The results from the previous IPM assessments indicate that powerful individuals such as commanders, tribal leaders and politically affiliated actors can compromise the police's mandate and status of impartiality. The 2014 police survey results show an increase since 2011 in numbers of police who believe that they are subject to external influence. In 2011 60% stated that they were influenced. In 2012, this number dropped to 56%. However in 2014, 65% of police were willing to answer 'yes' or 'sometimes' in regard to whether they are subject to external influence.

The results from the AUP survey at district level reveal that in Qala-e-Zal (63%) and Char Dara (57%) the majority of the police do not think that they are subject to external influences. However, in all the remaining districts, the majority of police stated that they are influenced or sometimes influenced by powerful actors. In Dashti Archi 92% of police felt that powerful actors influenced them. (A

38 "‘Today We Shall All Die’: Afghanistan's Strongmen and the Legacy of Impunity," (Human Right Watch, March 2015). Section on Mir Alam pp.46-57.

*“The police are not independent. In each case or dispute, a powerful local commander or powerful people influence the police or district governors’ actions.”*

**Interview with Huquq official (2014)**

complete table of results is provided in Annex 2.3.)

In 2011, 46% of community members in Kunduz thought that external actors influenced the police. In 2012, this number rose to 59%. Despite the fact that this is a sensitive topic for people to address during an interview, the 2014 community survey indicates a decrease from 2012 to 51% of community members who feel that external actors influence the police. However, in congruence with the very different power structures that exists throughout Kunduz, there is significant variance between the districts. In Char Dara 76% of people either agreed or strongly agreed that the police are subject to the influence of powerful external actors. Similarly high numbers are found in Khanabad (65%) and Dashti Archi (59%). The complete results for this question are provided in Annex 2.4. At face value this result indicates that in 2014 a higher percentage of police than community members think they are subject to external influence. However, it is possible that community members may have found this question too sensitive to be fully forthright.

The qualitative data collected during the Huquq and police management interviews point strongly to the impairment of police duties due to the interference of external actors. Huquq officials observe that police decisions are reversed through outside interference and detainees are released as a result of this influence. The police management stressed their will to observe strict protocols and procedures but acknowledge that powerful individuals and groups can overturn their decisions.

### 2.3 Quality of the Police Training

In 2014 the police in Kunduz have not benefited from any direct Dutch support. However, the training centre established by the IPM and the (Dutch-trained) Afghan trainers have continued to work with the AUP. Furthermore, EUPOL and NATO initiatives (to which the Dutch Government contribute) to enhance the capacity of the Mol have likely had a ripple down effect in Kunduz province. Recent research indicates that Afghan security personnel in the north of Afghanistan feel a sense of disillusionment and even abandonment by their international counterparts. The impact of the transition and international troop draw down may have influenced the way the police have responded in 2014.<sup>39</sup>

In contrast to the very positive responses in regard to police training in 2011 and 2012, in 2014, only one (out of nine) police management interviewees felt that his unit had received adequate training to perform basic tasks. Five managers believed they had received some training but required more, and three felt that their unit had not received adequate training to perform basic tasks.

*“We need honest and professional police leadership not leaders affiliated with warlords.”*

**Interview with AUP Officer, Char Dara**

Interestingly, when the managers were asked what type of trainings should receive more attention, most officers mentioned the need to focus more on education (relating to the law, human rights and religious matters).

The AUP survey asked officers to identify elements in their training that should be improved. The most popular responses are (1) Improvement in the management of checkpoints, patrolling and identification suspects, (2) Further education to enhance the professionalism of the police (in law, human rights, and literacy). During this question, a notable frequency of police officers took the opportunity to observe that training is required to enhance the police leadership in order to de-politicize it and make the AUP more of a meritocracy.

The police in Kunduz have been the recipient of training and reform initiatives from multi-lateral sources (for example, from NATO and EUPOL) and bi-lateral partners (for example, the Netherlands and Germany). Research and reports examining the combined impact of this support across Afghanistan have highlighted an uncoordinated approach to training the police. This has partly prompted the GoA to reach out to predominantly Muslim countries such as Egypt, Indonesia and the UAE for police training support. “Although some Western donors disapprove, the Ministry is reaching out to other Islamic countries in an effort to forge what it sees as culturally compatible partnerships for training and professionalization.”<sup>40</sup>

### 2.4 Literacy in the Police

Literacy in the police has been a long-standing challenge. According to the AUP Police Smart Book, “Traditionally, police and soldiers were poorly paid, recruited or conscripted from the poorest classes of society and frequently held in contempt by the society they served. Compounding these factors, over two decades of unrest had also resulted in an illiteracy rate conservatively estimated at over 70% for police recruits.”<sup>41</sup>

In the previous assessments, literacy has been identified as a significant challenge to the police being able to execute their roles and responsibilities. However, the 2014 results show that there are now less AUP who have not attended school (21.1% no schooling) compared to 2012 (32.1% with no schooling). Unlike in previous years, the survey has not conducted literacy tests and relies entirely on feedback from the sample of police managers. What we can

39 Nicola Abe, “What Germany Left Behind: A Feeling of Abandonment in North Afghanistan,” (Der Spiegel, 22 April 2014) <http://www.spiegel.de/international/world/security-eroding-in-northern-afghanistan-after-german-withdrawal-a-965522.html>

40 Michelle Hughes, “The Afghan National Police in 2015 and Beyond.” (USIP: Washington DC, May 2014) P.5.

41 Afghan Uniform Police Smart Book (Manual For Incoming PMT/PTT Task Force Phoenix J-3 Police), p.3.

*“Reading is very important for police. If the officer can read, he can search documents and houses, man check points and be better at apprehending suspects”*

#### Interview with police manager

deduce from this feedback is that more education has been identified as an important element in the future police-training curriculum.

## 2.5 Drug Use in the Police

In 2012, the MoI established an anti-drug policy and drug screening for ANP officers. It is unknown whether this initiative has discouraged drug use among the police. However, estimates put drug use in the ANP still at a quite high 8%.<sup>42</sup> Other reports have also accused the AUP of complicity in large-scale drug trafficking operations.<sup>43</sup>

Due to ethical concerns and social limitations, CPAU is not able to directly measure drug use amongst police recruits or other police personnel and police management. In this final CPAU assessment data was collected on community perceptions regarding drug use in the AUP. It should be pointed out that this is self-reported data and because drug use is a sensitive topic, people may have been reluctant to express their true observations in this regard.

The 2014 results indicate that community members perceive that the police are using drugs (complete table results provided in Annex 2.5). Dashti Archi (70%) and Aliabad (58%) report the highest numbers of people who believe that police in their district are taking drugs. The lowest district for police taking drugs is Char Dara (12%). Nevertheless, the results for 2014 indicate an improvement in previous years. In 2014, 33% of people thought that “some” police were using drugs. In 2012 and 2011 34% and 46% (respectively) of communities members thought that “some” police were using drugs.

## 2.6 Bribery in the Police

The situation of bribery within the ANP is well documented. Even The Afghan National Police Strategy (promulgated by the MoI) tacitly recognizes the existence of corruption within police ranks: “Corruption in the police force directly affects poor people and never goes unnoticed by the public. This unfortunate phenomenon erodes the trust and confidence of the people, which the police must earn in order to become a valued institution. Also, corruption in the police force is a betrayal of the cause for which so many of our brave brothers and sisters in police uniform have made the ultimate sacrifice.”

In 2014 20% of respondents reported that they had, had to pay at least one bribe in the last year. This figure represents an increase from

<sup>42</sup> UK Foreign and Commonwealth Office Report cited in “Taliban preys on Afghanistan’s corrupt police force,” (The Independent 23 December 2012).

<sup>43</sup> Najibullah Gulabzoi, “The Narco-State of Afghanistan: Deconstructing the nexus between drug trafficking and national security,” (The Diplomat, February 12, 2015). <http://thediplomat.com/2015/02/the-narco-state-of-afghanistan/>, Andrew Wilder, “Cops of Robbers? Efforts to Reform the Afghan National Police (AREU, 2007).

*“A confidential report (by the UK FCO) on the performance of the Afghan Uniform Police (AUP), the nation’s major law-enforcement body, observed in October: “Unless radical change is introduced to improve the actual and perceived integrity and legitimacy of officers within the AUP, then the organization will continue to provide an ineffective and tainted service to citizens ... for decades to come.”*

**“Taliban preys on Afghanistan’s corrupt police force”**  
(The Independent, 14 May 2012)

2011 (16%) and 2012 (13%). In order get a clearer understanding of how the problem of bribery has been perceived since the CPAU inception, community members were asked to rate their feelings about the ability of the police to solve a crime without taking bribes in 2011 and then again in 2014 (results provided in Annex 2.6 and 2.7 respectively). The results present divergent trends between the 7 districts. The 3 districts of Imam Sahib, Qala-e-Zal, and Khanabad indicate an improvement in people’s perceptions about police taking bribes over this 3-year period. However, the remaining districts all present increasing numbers of people in 2014 who are not positive about the police to not take bribes. The most significant deviation is evinced in Dashti Archi with an increase of 44% of people who now believe that police require bribes to solve a case.

In 2014, 50% of shura members and 20% of Huquq officials did not think that police would solve crimes without a bribe. However, it should also be noted that 0% of the police management thought that this was the case.

## 2.7 Unfair Treatment by the Police

Unfair treatment by the police can cover a broad spectrum of issues such as ethnic and gender discrimination taking, bribes in the line of duty (discussed above), breaching human rights and general poor behaviour when dealing with citizens. Levels of perceived unfair treatment by the police have risen since the baseline survey in 2011 when 25 % of people reported unfair treatment to 29% in 2014.

As Figure 2.5 indicates, in 6 districts, the majority of community members claim that the police have not treated them unfairly. However in Aliabad, 54% of the community interviewees claim that they have been treated unfairly in the past year. In Dashti Archi only 8% of people stated that they had been treated unfairly. Given the high levels of perceived corruption in the police, it surprising that more people have not reported unfair behaviour. This could be explained by an unwillingness on the part of community members to self report this information. It is also possible to hypothesize that corruption and/or bribery has become so routinized that it is not always perceived as unfair treatment.

Given the broad interpretation of the term “unfair,” community members were then asked to identify how the police had treated them unfairly (complete table of results in Annex 2.8). Bribery is the most commonly identified form of unfair treatment (23%) followed by police violence (15%) and causing accidents/reckless driving (15%). These results differ from the previous IPM assessments whereby police violence (rather than bribery) was cited as the most common type of unfair treatment. The Citizen’s Accounts data

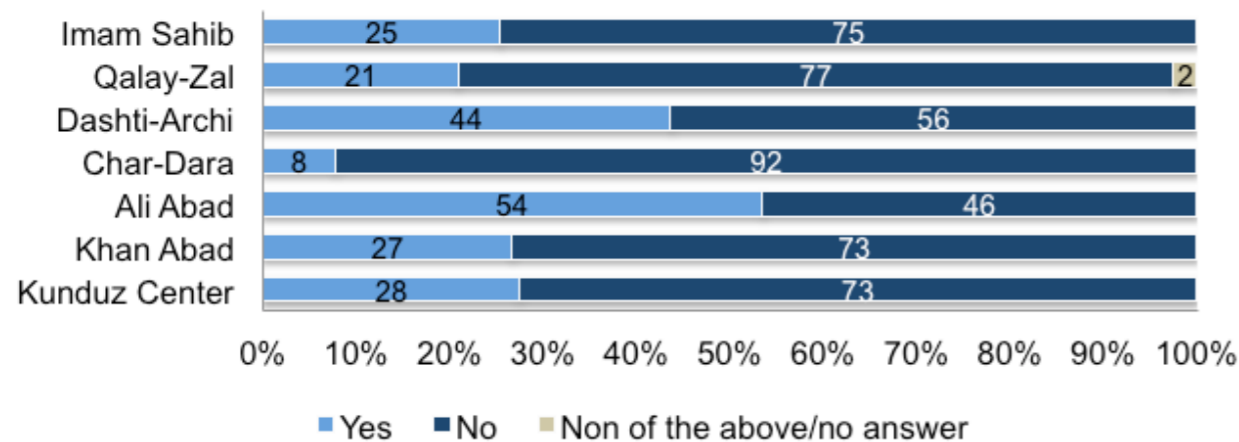


Figure 2.5 Community survey 2014: Have you been treated unfairly by the police in the last year

N=870

adds important context to the quantitative survey data. For citizen's who have interacted with the police over a civil or criminal incident, many report that their case was not taken seriously by the AUP. These accounts also indicate dissatisfaction with police capacity in handling case files and documentation.

## 2.8 Police Detention Procedures

The Law On Prisons And Detention Centres (2007) regulates the physical places where police and military authorities can hold individuals. According to articles 7 of the law, a, "detention centre is a place where the accused persons who are waiting for trial are kept."<sup>44</sup> Article 7 also defines a prison: "A prison is place where individuals on the final verdict of a court, are kept."<sup>45</sup> The Afghan police are constitutionally required to hold a suspect for no more than 72 hours before his or her case is given to a prosecutor. Afterwards, the prosecutor is required to file a case in the court within 15 days, with a possible extension of an additional 15 days. During this time, most suspects are transferred to a state prison, though in some cases, suspects remain in a police jail.

A 2011 UNAMA report on the treatment of detainees in Afghanistan noted that the Afghan National Police and National Directorate of Security (NDS) officials routinely disregard these time limits and safeguards.<sup>46</sup> UNAMA found that the NDS was particularly problematic with 93% of all NDS detainees lingering in custody for more than 72 hours (an average of 20 days) before being officially charged with a crime. However, the ANP were also found to regularly detain suspects for illegal periods of time.

The prisoner interviews conducted in 2014 seem to indicate some

improvement since the 2011 UNAMA report. 74% of the detainees interviewed in Kunduz prison reported that they spent two days or under in a police station. Only 8% of police in Imam Sahib and 4% in Khanabad admit that it is usual practice to keep detainees longer than 3 days. If detainees were kept longer than 3 days, police were asked to cite the most common reasons for this extension beyond the legal limitations. The most common reasons cited by police are (1) A need to locate and/or verify documentation, (2) High levels of insecurity in the area or security risks involved in moving a detainee from the police station and, (3) Influential external actors have become involved in a case.

Section 2.4 in this report has already highlighted that both police management and serving officers have identified a need for further training on human rights and the law. With this in mind, it is now important to examine how detainees are treated when they are incarcerated in a police station. In the 2014 prisoner interviewees, 40% of detainees said they were interrogated by force and 38% said they were kept in a dark room for interrogation. 14% of prisoners claim that they were not provided with food but out of the 86% who were provided with food, a little over 50% said that they received food three times per day.

## 2.9 Progress Towards Improving the Quality of the Police in Kunduz

This section explored 8 sub-domains that aimed to contribute to improving the quality of the AUP in Kunduz. The 2014 final assessment has observed improvement since 2011 on some of the sub-domains such as education/literacy in the police. Other indicators have remained constant such as community perception of bribery while others such as police perception of the quality of their training have deteriorated.

The current situational context of Kunduz is very different to that of 2011. Therefore some of the assumptions that underpinned the (reconstructed) theory of change were not proven during the assessment period. The Dutch training mission was curtailed before mid-2014 and therefore the IPM was not implemented as planned (assumption 1). The training centre established by the IPM and the (Dutch-trained) Afghan trainers have continued to work with the AUP but in 2014, there was a significant downturn in the police's perception of the quality of their training.

44 Article 6- Law of Prisons and Detention Centres, 1386 (2007).

45 Article 6- Law of Prisons and Detention Centres, 1386 (2007).

46 "Treatment of Conflict-Related Detainees in Afghan Custody," (UNAMA, Kabul: October 2011)

The assumption that security would not deteriorate significantly (assumption 3) has been incorrect and correspondingly, a transformation away from a counter-insurgency oriented ANP has not borne fruit (assumption 7). Indeed, the AUP has endured the brunt of ANSF casualties in the last year. In 2014, the decreasing law and order situation in Kunduz means that the citizen's demands for AUP services is high but conversely, police time is increasingly occupied by combating the growing insurgency.

Police officer's will to uphold the law and not be a source of insecurity (assumption 6) has only been partly realized. There is a genuine will on the part of the interviewed AUP to receive more training on the law and human rights issues but bribery, police violence and reckless driving continue to be a source of concern for local communities in 2014.

### **(I) Willingness and Capacity of the Police**

In previous IPM surveys, the prime motivation for joining the AUP was to serve the country. In 2014 the main reason for enrolment is now to gain a salary/employment. An increasing sense of pragmatism over idealism should be understood within the context of heightened attacks against the police. This upsurge in targeted violence partly explains higher levels of desertion and attrition in the AUP in 2014. A secondary explanation for leaving the tashkil is the highly politicised modus operandi of the AUP. The presidential elections of 2014 have served to further polarise the force into political camps.

Since 2011, there has been an overall decline in Kunduz residents who believe that the police are capable of upholding security, law and order but there is significant variance across the province in this regard. The restive Char Dara district is an outlier in terms of the least trust in the police to uphold security. However Qala-e-Zal also reports very high numbers of citizens that do not think the police are capable of upholding security, law and order. This seems to reflect the fact that for the most part, security and stability in this district is provided by local commanders rather than the state security forces. Conversely in all districts (with the exception of Kunduz Centre), there has been a rise from 2012 – 2014 in the numbers of people who believe that they need many more police in their district. It is of concern that a significant majority of police in Khanabad, Aliabad, Char Dara, Dashti Archi and Imam Sahib (54%) believe that there are not enough police to provide security in their districts.

### **(II) Influence of Powerful, External Actors**

There has been a decrease in numbers of community members who think that external, powerful actors influence the police. However, there is again significant variance throughout the province with a large majority of people in Char Dara and Khanabad believing that the police are subject to the external influence actors. In contrast to the community survey, the 2014 police survey results show an increase since 2011 in numbers of police who believe that they are subject to external influence. Insight from Huquq officials underlines the fact that police decisions are often reversed through outside interference and detainees are released as a result of this influence. While the police management stressed their will to observe strict protocols and procedures, they acknowledge that powerful individuals and groups can overturn their decisions.

### **(III) Quality of the Police Training**

There has been a marked deterioration in the perceived quality of police training since the previous CPAU assessments. Identified areas for improvement are (1) Management of checkpoints, patrolling and identification of suspects and, (2) Further education to enhance the professionalism of the police (in law, human rights, and literacy). There is also a strong call from the police respondents for better leadership training to help de-politicize the police leadership and make the AUP more of a meritocracy.

In light of the scale down of international policing assistance (for example from ISAF, EUPOL, Germany and the Netherlands) and possibly in recognition that these missions were not always culturally congruent with the Afghan norms, the GoA is now reaching out to predominantly Muslim countries for police training support.

### **(IV) Literacy in the Police**

This final assessment indicates that there has been a positive improvement in education levels in the AUP. The 2014 results show that there are now less AUP who have not attended school compared to 2012 and 2011.

### **(V) Drug Use in the Police**

The assessment results for 2014 indicate an improvement since 2011 in community perceptions of police using drugs. This may be due to the Mol's anti-drug and drug screening policy (2012) taking root in Kunduz. However, research conducted by institutes such as the Afghan Research and Evaluation Unit (AREU) and the Diplomat journal still points at AUP complicity in drug trafficking operations.<sup>47</sup>



## (VI) Bribery in the Police

Bribery continues to be a residual problem in the police. The 2014 assessment indicates an increase from the baseline survey in numbers of people who had to pay a bribe to the police in the last year.

## (VII) Unfair Treatment by the Police

Levels of perceived unfair treatment by the police have risen since the baseline survey when one-quarter of people reported unfair treatment to nearly one-third in 2014. Bribery is the most commonly identified form of unfair treatment followed by police violence and causing accidents/reckless driving. These results differ from the previous IPM assessments whereby police violence (rather than bribery) was cited as the most common type of unfair treatment. It is positive that community perceptions of police violence have decreased in 2014 but an increase in perceived bribery serves to make the AUP less accessible to ordinary citizens.

## (VIII) Police Detention Procedures

Prisoner interviews conducted in 2014 seem to indicate some improvement in regards to the police following the stipulated legal requirement to hold suspects for two days or under at a police station. However, human rights abuses are reportedly being committed during this incarceration period by (1) interrogations conducted by force and, (2) restricted provision of food. It may be reasonably expected that police would understand that such practices contravene human rights (and Afghan legal provisions) but the significant number of police requests for training in laws on human rights indicates that this is an important gap in police training. Accountability systems are also a key variable in reducing human rights abuses of detainees.

47 Najibullah Gulabzoi, "The Narco-State of Afghanistan: Deconstructing the nexus between drug trafficking and national security," (The Diplomat, February 12, 2015). <http://thediplomat.com/2015/02/the-narco-state-of-afghanistan/>, Andrew Wilder, "Cops of Robbers? Efforts to Reform the Afghan National Police (AREU, 2007).

## Section Three:

# Cooperation between the Civilian Police and the Justice System

*"Afghan leaders also share an on-going frustration over the judicial system's inability to carry a policing-generated investigation through to successful adjudication."*

**The Afghan National Police in 2015 and Beyond (USIP: 2014)**

Decades of conflict have drastically attenuated a rule of law system in Afghanistan and according to the Netherlands Multi Annual Strategic Plan (MASP), "civil policing is virtually non-existent and its relationship with the criminal justice system is weak."<sup>48</sup> Early international efforts to build the capacity of the Afghan police failed to substantively connect their interventions to the wider rule of law system. The Dutch IPM, initiated in later security sector reform (SSR) cycles, explicitly aimed to link the justice and police sectors: "Dutch police officers, military personnel and diplomats have started the integrated police training mission, including a rule of law programme, in which Dutch diplomats, military and police closely cooperate with Afghan and international actors from government and civil society."<sup>49</sup>

A 2010 report by the International Crisis Group (ICG) on the status of Afghanistan's justice institutions found that a "lack of clarity over the established authorities for detection and discovery has made the task of investigating crime difficult, muddling basic procedures and expanded opportunities for corruption."<sup>50</sup> The report also notes that linkages between police and prosecutors in Afghanistan have historically been weak and that international attempts to strengthen their working relationship have sometimes had an adverse effect on the rule of law.<sup>51</sup> The 2011 baseline survey similarly observed that, "Cooperation between prosecutors and AUP has often been lacking." The GoA and its international partners have invested considerable funds and technical assistance (TA) to professionalize and improve both the formal justice system and the AUP. However, their enhanced performance relies heavily on their ability to cooperate together in a whole-of-government approach to reform within a conflict context.<sup>52</sup>

This second domain in the final CPAU assessment focuses on the cooperation between the civilian police and the justice system.

48 Multi-Annual Strategic Plan, 2011 - 2015: Netherlands Embassy Kabul (September 2012), p.11.

49 Multi-Annual Strategic Plan, 2011 - 2015: Netherlands Embassy Kabul (September 2012), p.1.

50 "Reforming Afghanistan's Broken Judiciary," (International Crisis Group, Kabul/Brussels, Asia Report No. 195: November 2010).

51 Ibid.

52 This is based on the OECD DAC principle No. 5 for engaging in fragile and conflict affected states: "DAC Principle 5: Recognise the links between political, security and development objectives." Whereby Within donor governments, a 'whole-of-government' approach is needed, involving those responsible for security, political and economic affairs, as well as development aid and humanitarian assistance.

In previous assessments, this theme has been mainly explored in relation to the police's cooperation with the formal justice system. This approach does not take into account the fluidity of the relationships between the AUP and both the formal and informal justice mechanisms in Kunduz and as expressed in the Embassy of the Netherlands MASP, the "need to reconcile and connect formal and informal, customary law."<sup>53</sup> Therefore this domain measures the progress on three sub-domains: -

- (1) Cooperation between the police and formal courts
- (2) Cooperation between the police and Huquq
- (3) Cooperation between the police and shuras

This section is structured to firstly highlight the perceptions of the police and justice officials in regards to their cooperation. However, in this final IPM assessment the research team was not able to interview any formal court actors (judges, prosecutors or court officials). Therefore research data from the police, informal justice actors and community members are used to generate a general picture of cooperation between the police and formal justice system. It should be recognised that community members and to some extent, informal justice actors may not have a detailed understanding of the ways in which the formal justice system and AUP work together.

### 3.1 Cooperation between the Police and Formal Courts

The police view their cooperation with the formal court system relatively positively with over 50% of AUP in all districts perceiving their cooperation as either very good or good. These positive findings are reinforced by interviews with police management. They cite close working relationships, particularly in the case of house searches and arresting Taliban suspects. These results are comparable to the 2011 and 2012 assessments where a majority of AUP respondents also claimed that their working relationship with prosecutors was good or very good.<sup>54</sup>

A more nuanced picture of the police-court relationship emerges during interviews with Huquq officials. Although, the relationship is perceived by the Huquq to be governed by defined legal processes, there is concern that powerful external actors and corruption can influence this cooperation. Indeed, the police themselves seem less sure about their cooperation when it comes to prosecuting cases correctly. In all districts, with the exception of Qala-e-Zal and Char

Dara, a majority of the police thought that either a lot or some cases were not being prosecuted properly because of bad cooperation between the police and prosecutors.

	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Yes	97%	28%	64%	57%	50%	74%	60%
No	3%	32%	12%	32%	18%	4%	28%
Sometimes		24%	8%	7%	18%	22%	12%
Don't know		16%	16%	4%	14%		
N =	30	25	25	28	28	27	25

Figure 3.1 Police survey 2014: Would you recommend people who are having a land or water dispute go to the formal court

A good indication of the degree of trust and cooperation between the police and justice system is whether a police officer would refer a case to the formal courts. Therefore the AUP were asked if they would refer a case or recommend that two individuals who were having a dispute over land or water should go to the formal court. As Figure 3.1 shows, although the vast majority of police would refer to the formal courts in Kunduz Centre, the picture is much more varied in the other districts. Over 25% of police in Khanabad, Char Dara and Imam sahib would not refer people having a land or water dispute to the formal court system. These results may be explained by the fact that some of these disputes are classified as civil and therefore can be resolved by either the Huquq or shuras.

The key reasons for referring this type of dispute to the formal court are (1) perceived effectiveness of the court/prosecutor and (2) Knowledge and intelligence of the formal court officials (Annex 3.1). However, the notable anomaly in these results is Aliabad where 53% would not recommend due to the distance of the courts.

The citizens of Kunduz interviewed in this assessment have a reasonably positive perception of cooperation. In 2014, 57% of community members thought that police cooperation with the courts was either very good or somewhat good in terms of bringing a person who has committed a crime to justice. This reasonably positive trend is bucked in Aliabad where 54% of people thought their cooperation was bad or very bad (complete results provided in annex 3.2).

*"We received a report about a Talib who came with weapons to his brother house. The police and prosecutor jointly started an operation and we arrested the mentioned Talib."*

Police Management Interview, 2014

53 Multi-Annual Strategic Plan, 2011 - 2015: Netherlands Embassy Kabul (September 2012), p.9.

54 2012 NL-IPM Progress Assessment (CPAU: 2013), p.62.

Police survey	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Yes	100%	72%	100%	79%	86%	81%	68%
No		12%		4%	4%	4%	16%
Sometimes		8%		11%	7%	4%	16%
Don't know		8%		7%	4%	11%	
N =	30	26	25	28	28	28	25

Figure 3.2 Police survey 2014: Would you refer a case or recommend that two individuals who are having a dispute over land or water should go to a Huquq

### 3.2 Cooperation between the Police and Huquq

Huquq officers are part of the Ministry of Justice legal infrastructure and are tasked with mediating and resolving civil cases. The 2014 findings shown in Figure 3.2 indicate that the police are more likely to refer a land or water dispute to the Huquq than to a formal court. The reasons for recommending a Huquq are reasonably similar to the formal court with 1) perceived effectiveness to solve the case and (2) Knowledge and intelligence of the Huquq officials.

### 3.3 Cooperation between the Police and Shuras

Shura members in the districts felt that they had a cooperative relationship with the police. There are two main ways in which the police and shura cooperate. The first is by the police referring cases that are deemed to be within the jurisdiction of the shura. The second is the shura informing the police of criminal or security issues in their communities. Dashti Archi district is the notable anomaly where shura members say that they do not cooperate with the police due to the self-interest and/or corruption in the police.

As Figure 3.3 shows, the referral/recommendation rate from the police is slightly lower for the shura than to the Huquq and formal courts. However, over 50% of the police in all districts would recommend a case to the shura. The reasons for referring to a shura are more disparate than in the case of the formal court or Huquq referrals. A lack of corruption, proximity of the shura to people and limited financial courts costs are far more prevalently cited as reasons for referring to a shura than to the Huquq or formal courts (complete results in Annex 3.7).

### 3.4 Progress Towards Improving Cooperation between the Civilian Police and the Justice System is improved

This section explored 3 sub-domains that aimed to contribute directly to improving the quality of the cooperation between the civilian

Police survey	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Yes	43%	64%	96%	96%	56%	44%	44%
No	20%	28%	0%	0%	4%	11%	36%
Sometimes	37%	8%	4%	0%	33%	41%	12%
Don't know				4%	7%	4%	8%
N =	30	26	25	28	28	28	25

Figure 3.3 Police Survey 2014: Would you refer a case or recommend that two individuals who are having a dispute over land or water should go to a Shura

police and the justice system in Kunduz. This final assessment has observed that referrals happen on a very regular basis between the police and both the formal and informal justice providers.

The changed context of 2014 has not impacted on the police-justice system cooperation as much it has done on the other domains measured in this assessment. However two assumptions that underpinned the (reconstructed) theory of change were not proven during the assessment period and influenced the cooperation between the police and justice sector. The first is that the 2014 results indicate that the informal justice system is still the primary referral for civil cases. Thus the assumption that formal justice system is the primary justice provider has not been borne out (assumption 9). A matter running through the descriptions of the various cooperative modalities is the prioritization given to cooperation that will help to quell the insurgency and/or improve security.

#### (I) Cooperation between the Police and Formal Courts

In 2014 the results of police cooperation with the formal justice system are comparable to the 2011 and 2012 assessments where a majority of AUP respondents claimed that their working relationship with prosecutors was good or very good. Most notable in 2014 is (police reported) cooperation in conducting coordinated house searches and arresting Taliban suspects. This finding indicates a prioritization of the relationship as it pertains to the insurgency rather than more general acts associated with community policing.

#### (II) Cooperation between the Police and Huquq

The 2014 findings indicate that the police are more likely to refer a land or water dispute to the Huquq than to a formal court. The reasons for recommending a Huquq relate to 1) the perceived effectiveness of the Huquq to solve the case and, (2) Knowledge and intelligence of the Huquq officials.

### (III) Cooperation between the Police and Shuras

The police cite a lack of corruption, proximity of the shura to local people and limited financial costs as the key reasons for referring a case to a shura rather than to the Huquq or formal courts. Shura members in the districts felt that they had a cooperative relationship with the police. There are two main ways in which the police and shura cooperate. The first is by the police referring cases that are deemed to be within the jurisdiction of the shura (civil cases). The second is the shura informing the police of criminal or security issues in their communities. This latter finding again points to a cooperative relationship aimed at quelling the insurgency and/or improving security. It is of note that Dashti Archi district is the anomaly where shura members say that they do not cooperate with the police due to the self-interest and/or corruption in the AUP.

#### Section Four:

## Quality of the Justice System is Improved

*Informal justice is an often-debated yet poorly understood concept in Afghanistan. Generally, it refers to a series of mechanisms, such as local councils (shuras and jirgas), that are outside of the state's direct control - though not necessarily beyond its influence - that are used to resolve disputes and conflicts in a manner perceived as legitimate by local communities. While few Afghans have confidence in the state's ability to deliver justice through the formal court system, the informal justice sector in Afghanistan provides a pervasive and effective, if sometimes flawed, venue for the majority of the Afghan population to access justice.*

**INFORMAL JUSTICE AND THE INTERNATIONAL COMMUNITY IN AFGHANISTAN (USIP, 2013)**

The Netherlands MASP (2011 – 2015) highlights some of the challenges faced in the justice system in Afghanistan: “So far, judicial reforms in Afghanistan have barely taken root and the necessary interdependencies between the three main justice institutions (the Ministry of Justice, the Supreme Court and the Attorney General’s Office) and related institutions are weak. This hampers coordinated and effective service delivery. The formulation of the ‘Law and justice for all’ and the prioritization of the underlying projects continue to face difficulties and delays because of structural weakness in the justice institutions and a lack of donor coordination... Judicial reforms in Afghanistan are impeded by a sluggish, corrupt and over-centralised legal system, under-budgeting and a lack of trained staff. Traditional and religious justice remains strong, although its quality and fairness varies and excesses occur.”<sup>55</sup>

In Afghanistan many people still use the informal justice system to resolve (mainly) civil disputes. They use this system due to expediency, proximity and a greater trust in these institutions. The 2012 progress assessment documented the increasing role of informal justice providers such as shuras and jirgas alongside of the formal system. The 2012 results also indicated that the informal system was more heavily relied upon than in 2011. However, since the baseline IPM survey was conducted in 2011, increasing numbers of people have opted to use the local ‘shadow’ Taliban Sharia courts, which are sometimes seen as more efficient at dispensing justice. According to an Integrity Watch research report, “As the Taliban re-organised after their overthrow in 2001, re-establishing their judicial system rapidly emerged as their top non-military priority. Initial attempts to recreate the system mostly as it was under the Taliban Emirate in 1996-2011 proved inappropriate because of the environment, in which the Taliban were operating as an insurgent organisation. By 2012 the Taliban judiciary had taken the shape of mobile courts, lean structures, and little record keeping. A major consequence of the new organisation was that the appeal system became largely dysfunctional, even though it continued to exist in theory.”<sup>56</sup> Therefore in 2014, citizens in Afghanistan have three justice options to select: The formal court system, the informal system and the Taliban courts. The CPAU community survey

<sup>55</sup> Multi-Annual Strategic Plan, 2011 - 2015: Netherlands Embassy Kabul (September 2012), p.9.

<sup>56</sup> Antonio Giustozzi, Claudio Franco and Adam Baczko, “Shadow Justice: How the Taliban run their judiciary?” (Integrity Watch Afghanistan, 2012)

*The establishment of an Islamic state based on Shari'a law in Afghanistan has been the cornerstone of Taliban political goals since the movement began in the 1990s. The growth of Shari'a courts, therefore, will be integral to the Taliban's post-ISAF calculus. The Taliban likely recognize that their ability to provide law and order through Shari'a capitalizes on the shortcomings of the current formal judicial system in Afghanistan and they will quickly attempt to expand courts to contest Afghan government control and habituate their authority over the local populace. Measuring the development of such courts may provide an insightful barometer of Taliban influence and local control post-2014.*

**THE SIGNIFICANCE OF TALIBAN SHARI'A COURTS IN AFGHANISTAN (Counter Terrorism Center, May 2013)**

questions only explicitly asked about the formal and informal systems but respondent answers and the some citizen narratives indicate a growing presence of the shadow court system in Kunduz.

This third domain explores the justice sector and whether the country's formal and informal institutions are (perceived) to be capable of providing justice. This theme involves six sub-domains of change:

1. Perceived willingness and capacity of the justice system to deal with criminal and civil cases
2. Influence of external, influential actors on the justice system
3. Perceived bribery in the justice sector
4. Perception of fair treatment and protection of human rights
5. Inter- justice system referrals (between the Shura, Huquq and formal court)
6. Cooperation between the informal and formal justice sectors

This section relies heavily on perceptions from informal justice sector actors and community respondents in regards to analysing the six sub-domains. However, some of the community responses are based directly on their experience with taking a case to a court and are thus not general perceptions of the justice sector in Kunduz.

#### 4.1 Perceived Willingness and Capacity of the Justice System

The perceived willingness and capacity of state justice institutions has typically been low, leading many Afghans to instead utilize local institutions and other informal actors to get justice. The 2011 baseline survey observed that, "In order for state justice institutions to be approached and fully utilized by the population, community members must have greater confidence that those institutions will be able to successfully provide justice and the rule of law."<sup>57</sup> Therefore this final assessment is an important opportunity to measure the extent to which public confidence in state justice institutions, particularly the formal court system has changed (for the better or worse) since 2011. Therefore the community survey included a section whereby the respondents were asked about their judgement in regards to the formal court three years ago (2011) and now (2014). The questions were:

1. **Influence:** Rate your feelings about ability of formal courts to not be influenced by powerful individuals.

2. **Bribes:** Rate your feelings about ability of formal courts officials will not take bribes.
3. **Trust:** Rate your feelings about trust in formal courts to satisfactorily solve a case that you have filed.
4. **Treatment of ethnic groups:** Rate your feelings about ability of formal courts treat all ethnic groups fairly.
5. **Access of women:** Rate your feelings about ability of women to access to the formal courts
6. **Skills:** Rate your feelings about ability of formal courts officials and prosecutors to have the necessary skills to conduct their tasks. The answers as follows: not positive=0; a little positive =1; and positive=2. This coding scheme makes it possible to present the results and changes in a concise way. Figure 4.1 presents these results.

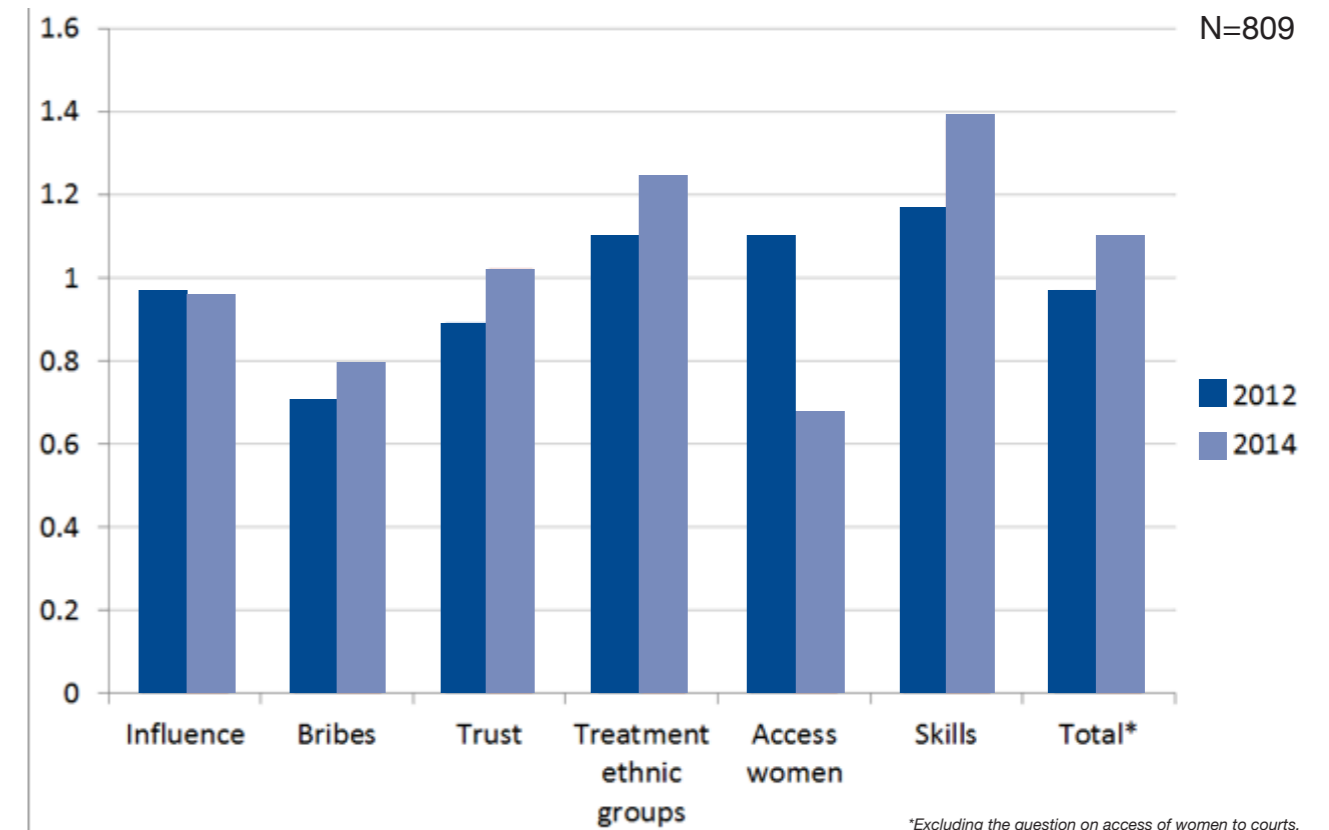


Figure 4.1 Community survey: Perception of formal courts 2011 and 2014

The figure reveals some interesting changes. First of all, most changes are positive (between 2011 and 2014), with the exception of access of women to courts (discussed in more detail in section 5). All changes are significant at 1% level, except for the first question on influence.<sup>58</sup> This change is not statistically significant.

<sup>57</sup> Kunduz Contextual Analysis: Baseline 2011 (CPAU), p.69.

<sup>58</sup> This means that the chance that the observed difference found in the sample does not exist for the population as a whole is smaller than 1%.

Mirroring the trend from the previous CPAU assessments, people still continue to rely heavily on the informal justice system. Of the 920 community members interviewed in 2014, the majority of people have not taken a case to a formal court. The highest numbers are recorded in Dashti Archi district (37%) and the lowest numbers are in Kunduz Centre (12%). The latter finding is somewhat surprising

Police survey	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
The police	20%	8%	32%	9%	27%	21%	15%
A judge	18%	10%	26%	17%	19%	48%	29%
A prosecutor	62%	82%	33%	73%	52%	29%	55%
The director of a prison	1%		9%	1%	1%	2%	2%
N =	151	129	127	130	128	126	130

Figure 4.2 Community survey 2014: Who is responsible for presenting a case in a criminal trial against a person who is accused of breaking the law

given that it would be expected that Kunduz Centre would have the most developed formal judicial infrastructure of all the Kunduz provinces. However, these results reinforce the observations of the CPAU assessment team that few community members have detailed knowledge of the formal justice system and their responses are likely to be driven by perceived wisdom rather than facts. For example, community members were asked to identify who is responsible for presenting a case in a criminal trial against a person who is accused of breaking the law. The results (Figure 4.2) show that the majority of people believe it is the job of a prosecutor. However, in Aliabad and Qala-e-Zal the majority of people identified the police or judge rather than a prosecutor as the legal representative agent in a formal court. This suggests that the legal awareness raising initiatives (detailed in Annex 1) have yet to substantively penetrate some communities in Kunduz.

#### Responsibility and capacity of the formal judiciary in criminal cases

In 2012 and 2014 community members were asked to rank the institution that they think is most capable of dealing with criminal cases (the type of crime was not specified). In 2012 both the formal court and shura received 45% of first rankings. The Huquq received the next most first rankings (17%). The situation in 2014 is noticeably different. The formal court receives the most first rankings in relation to their dealing with criminal cases (42%). The shura is now second (with 30% of first rankings). However, in 2014 the Taliban

has now replaced the Huquq as the third most ranked institution for dealing with criminal cases. When the results are analysed at a district level, great disparities appear. Interestingly, the majority of the respondents in Kunduz (72%) and Khanabad (74%) identified the formal court as the most capable institution to process criminal cases. 56% of respondents in Char Dara identified the shura as most appropriate. 44% of the interviewees in Aliabad thought the Taliban was most capable of dealing criminal cases. 30% of respondents in Qala-e-Zal (30%) identified local strong men. This latter finding reflects the context of each district described in Section 1.4 where the local commanders are largely in control and responsible for the security and stability.

The new pattern of results in 2014 does indicate positive change and reflect the new reality of Kunduz. Province-wide, there is an increase in people that recognize that the court, rather than the shura, is the correct arbiter of criminal cases. The increasing use of the Taliban justice system also reflects the growing space occupied by the Taliban shadow government in the province.

#### Capacity of prosecutors

Unfortunately, the 2014 survey was not able to interview prosecutors or any other court personnel so perception of the capacity of these individuals relies entirely on self-reported information from the community, police, Huquq and shura members.

The police, Huquq and shura members are expected to have a reasonably good insight into the capabilities of prosecutors in their locale. In 2012 when the police were asked whether they thought that prosecutors were capable of performing their jobs 95% thought that they were very capable or somewhat capable. In 2014, this approval has decreased to 83%. However, 7 out of 9 police management believe that prosecutors are capable. Although Huquq officials think that persecutors are competent and well versed in their duties, they observed that interference from external actors could prevent them from executing their roles and responsibilities. 66% of police also think that the prosecutors are subject to the influence of external powerful actors.

In 2011, 2012 and 2014, residents of Kunduz province were asked to comment on the capability of prosecutors in their respective districts. In 2011 and 2012 a significant majority of respondents' believed that prosecutors were either somewhat or very capable of performing their jobs (2011 66%; 2012 63%). Conversely, a minority perceived them as either somewhat or very incapable (2011 18%; 2012 11%). In 2014, there has been a decrease to 59% of people who perceive that prosecutors are either somewhat or very capable.

*A resident in Dashti Archi described a domestic dispute that culminated in the death of a family member. The police did not arrest the suspected perpetrator so the issue was taken to the local Taliban court. The Taliban promptly arrested the suspect and dispenses justice "based on religious order."*

#### Citizens' Narrative 2014

Since the Afghan Independent Bar Association opened its office, the number of lawyers in Kunduz has risen from 12 to 70. In prisons, lawyers are now able to offer legal advice in a protected space. Women can obtain free advice from the Office for Women's Affairs. In Kunduz, six new Huquq offices have opened since 2011, which the project has supported through the provision of training and mentoring, and a supply of legal texts and specialist publications. Increasing numbers of women and men are now using these offices, which underscores the success of the training: the number of cases processed rose from 1,439 in 2011 to 1,498 in 2012 and to 1,596 in 2013.

GIZ, Promoting the Rule of Law in Afghanistan, March 2014

There has also been a corresponding rise to 19% of people who perceive them as either somewhat or very incapable.

#### Timeliness and Efficiency of the formal justice system process

In previous assessments prosecutors in Kunduz province were asked about their interactions with lawyers in the districts. In 2012 several prosecutors claimed that there was a severe shortage of lawyers and that people had to represent themselves. The 2011 baseline report also reported a general absence of lawyers throughout Kunduz province. While this issue remains an item of high priority in the justice development processes throughout Kunduz province, the 2014 IPM was not able to access the current numbers of lawyers in Kunduz. Based on GIZ figures, the number of lawyers rose from 12 in 2010 to 70 in 2014.<sup>59</sup>

An arrested suspect cannot be legally held in jail for longer than 72 hours before he is officially charged and has the case transferred to a prosecutor. At this point, prosecutors are legally required to bring the case to court within 30 days. If this is not possible, the suspect is to be released. Once in the court system, a case is supposed to be processed within one month, but can be extended by one month to allow time for gathering all the required evidence or deal with witnesses.

Prisoners were asked how long it took the court to hear their case and issue a verdict after they were taken to prison. The 2011 and 2012 surveys indicated that there were delays in processing cases through the courts. The 2011 baseline report indicated that approximately one third of cases took 3 months or longer. In 2012, 43% of cases took 3 months or longer. In 2014, 58% of prisoners say that it took over 2 months for the primary court to hear their case and issue a verdict. Of 40 legal cases shared with the 2014 IPM assessment team, 87% were appealed. The average time for the prisoners' case to be heard by the appeals court was 2 – 6 months. Of the 62% who then went on to appeal to the Supreme Court, many have experienced a much longer waiting period for a verdict.

According to the Huquq, it takes anywhere between 45 days to 3 months to process a case. Huquq members observe that it is quicker if the case is resolved via their office. In the formal court system, the Huquq officials identified a range of reasons why cases can be delayed. These include prosecutors or judges not taking the case seriously, delays in scheduling and preparing documentation and finally, the influence of external actors. A large number of the

59 "Promoting the Rule of Law in Afghanistan," (GIZ: March 2014).

citizen narratives in 2014 also reveal frustrations at justice officials that are perceived to not take cases seriously.

#### 4.2 Unfair Treatment in the Formal and Informal Justice Systems

In 2012, 15% of respondents claimed they had a case brought to a formal court. Of these people, 21% claimed they had been treated unfairly. In 2014, this number rose to 25% of community respondents who had taken a case to a formal court in the last year. Of this number, 43% said that they had been treated unfairly. In all the districts, except Char Dara, people cited either bribery or a failure to take their case seriously as the most common types of unfair treatment. In Char Dara, the most popular response related to the evidence of their case being fake or compromised (Annex 4.1). These findings are congruent with the context in Kunduz whereby increasing criminality requires more people to use the formal justice system but not necessarily a correlating rise in capacity of the justice providers.

In 2012, 13% of community respondents claimed to have been treated unfairly by a shura. In 2014, 37% of community members had taken a case to a shura in the last year and of this number 20% said that they had been treated unfairly. This finding indicates that in 2014 although there is an increase in numbers of people who claim unfair treatment by a shura, shuras are still perceived to treat people more fairly than the formal court. Issues of bribery do not feature highly in people's perception of this informal justice mechanism. However powerful people influencing the case and a failure of the shura to take the case seriously are the most common forms of unfair treatment (full results in Annex 4.2).

#### 4.3 Influence of External Actors on the Justice System

Afghanistan's justice system has struggled to maintain an independent stance in the face of outside influence and interference. In 2010 an International Crisis Group report observed that justice could be bought by the powerful and rich.<sup>60</sup> Indeed, a common theme running throughout all of the CPAU assessments is the significant and powerful influence of external actors on both the police and the justice system. However in 2014, the influence of external actors on the state justice system has heightened into more extreme forms of intimidation with increasing IED attacks against judges and complex attacks on courthouses. For example, on October 27 2014, the courthouse in Kunduz City was attacked

*"It is clear that situation now in Afghanistan is not normal, there is less rule of law so in some cases, the prosecutors are influenced by powerful groups and warlords."*

Interview with Huquq Official

60 "Reforming Afghanistan's Broken Judiciary," (International Crisis Group, Brussels/Kabul, No. 195: 17 November 2010).

killing 6 prosecutors and injuring another 9 prosecutors.

In the 2011 and 2012 surveys community members were asked if they believed that powerful groups influence the actions of prosecutors. In 2011 52% of respondents agreed or strongly agreed that powerful figures or groups influence prosecutors. In 2012, this figure rose to 58%. In 2014, this question was slightly amended to encompass justice officials generally. These results show that 46% of respondents agree or strongly agree that justice officials are subject to external influence. However, in 2014 unlike 2011 and 2012, respondents were given the opportunity to neither agree nor disagree with the statement. If we assume this response may be interpreted negatively then 73% of interviewees think that court officials are susceptible to powerful external actors/groups. Furthermore, in 2014 57% of community members do not think that they could win a court case if a strongman or commander in a nearby area has illegally taken a piece of their property.

In 2014 the police and Huquq officials were asked whether they thought the justice system was also perceptible to the influence of external local actors. The police survey reveals that 66% of police believe that powerful people influence the actions of prosecutors. The Huquq officials present a more nuanced picture of the role of external powerful actors. While the Huquq strongly believe that powerful actors compromise prosecutors, they believe this is the result of a general increase in lawlessness in Kunduz. As one Huquq official observed, “In the current conditions, no one is independent, not even a guard of a school. Everyone is affiliated to a politician or powerful person and so it is the case with a prosecutor, judge...or lawyer.”

#### 4.4 Bribery and Corruption in the Formal Justice System

The issue of bribery and corruption has continued to be a salient theme that emerged from the various surveys and interviews in all the CPAU assessment periods. The International Crisis Group has purported that low salaries in the Afghan justice system has prompted many officials to resort to petty bribery.<sup>61</sup> And further, contexts experiencing significant insecurity also face increased corruption as powerful individuals feel fewer restraints on their use of intimidation and violence.

Community members in Kunduz province were asked about bribery in the justice system. However it remains important to keep in mind

how the responses to these sorts of questions are interpreted. The responses are based on personal experience, but will also reflect communal hearsay, or simply communal attitudes. In this manner the responses likely reflect the common public narrative about corruption in the justice system.

In 2014, 34% of community respondents who had taken a case to the formal court had to pay a bribe to a justice official either once, a few times or more than five times. However, the majority of people (57%) reported that they did not need to pay a bribe. A more revealing question is whether people think the justice official would help them if they did not pay a bribe (Figure 4.3). In 2012 16%

Police survey	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Yes, of course	15%	56%	11%	14%	9%	11%	21%
Yes, but they will not put too much effort in solving my case	25%	32%	15%	16%	30%	37%	14%
No, they would not help	27%	4%	25%	6%	35%	35%	52%
Maybe, but I don't know for sure	32%	8%	48%	63%	26%	18%	14%
N =	151	129	127	130	128	126	130

Figure 4.3 Community survey 2014: Would this justice official help you if you did not pay a bribe

of respondents thought justice officials would help them without bribery and a further 26% thought they would help but not put in much effort without payment of a bribe. The results for 2014 are mostly consistent with 2012 (15% of people think that a court official would help them without a bribe and 23% think they would help but not with much effort). Significant numbers of people in Imam Sahib (52%), Qala-e-Zal (35%) and Dashti Archi (35%) believe that the justice official would not help without the payment of a bribe.

#### 4.5 Referrals between the Informal and Formal Justice Systems

##### Referrals of civil and criminal cases to the formal courts

Both the Huquq and shura refer civil cases to the formal courts. According to interviews with both organs, the Huquq tends to refer civil cases more regularly than the shura. The reason for referring these cases is either they are too complicated for the Huquq to solve or the conflicting parties could not accept the Huquq's arbitration and judgment. In the case of the shura, cases that can't be resolved at this level are then referred to the Huquq and courts. Many shura

61 “Reforming Afghanistan’s Broken Judiciary,” (International Crisis Group, Brussels/Kabul, No. 195: 17 November 2010).



members perceive the courts as not only the last legal decision making establishment but the rightful place to solve complex disputes because of the legally binding nature of the formal justice system decisions.

In the case of criminal cases, the Huquq is not often involved in the chain of referral because they are mandated only to deal with civil cases. For the shura, 54% of shura members had referred a criminal case to the courts because it is well understood that the court is the legal forum for resolving criminal cases.

#### **Referral of civil and criminal cases to the shura**

90% of Huquq officials had referred a civil case to a shura in 2014. In some cases they do so because it is perceived as cheaper and less prone to corruption than the formal justice system. However, shuras are still perceived as strong justice providers in civil cases because the shura members know the community members and are perceived as having a vested interest in bringing peace to their communities. In the case of criminal cases, either the Huquq is cut out from the referral system or they refer the cases directly to the court who unlike the shura, is mandated to try criminal cases.

#### **Referral of civil and criminal cases to the Huquq**

There is an interesting diversity between the districts in terms of the shura's referral of civil cases to the Huquq. For example, in Char Dara and Imam Sahib 71% and 83% (respectively) of shura members had not referred a civil case to the Huquq. Conversely in Aliabad 71% of shura members had referred 1-15 cases to the Huquq and 80% of shura members in Khanabad had referred between 2 – 20 cases in 2014. For the most part, shura members perceive the Huquq as the correct judicial institution for solving civil cases. It is also the logical referral place for cases that cannot be solved in the shuras. As the results above indicate, it is well understood that criminal cases are not referred to the Huquq.

### **4.6 Cooperation between Formal and Informal Justice Institutions**

In the 2014 CPAU assessment, the shura interviews were more qualitative than rather quantitative. The shuras members describe their cooperation with the Huquq as good in the mediation, resolution and mutual referral of civil cases. However, this cooperation appears to be driven by personalities and the cooperation is not uniform across the districts. The shuras in Imam Sahib and Dashti Archi do not describe a cooperative or constructive relationship with the Huquq whom they characterize as disrespectful to the elders. One

shura member in Imam Sahib observed that the relationship between the shura and Huquq only exists “on paper, not in practice.”

Although, shura members do report that there is cooperation between them and the formal courts, this appears to be less than with the Huquq. The lack of cooperation between the shura and courts is most pronounced in Khanabad, Dashti Archi and Imam Sahib. In Dashti Archi one member explained that due to the reputation of the formal court for taking bribes and corruption, the shura members try to distance themselves and their communities from this legal organ.

### **4.7 Contribution to Improving the Quality of the Justice System**

This section explored 6 sub-domains that aimed to contribute directly to improving the quality of the justice system in Kunduz. 2014 has seen deterioration in perceptions from the previous CPAU assessments on nearly every one of these indicators. Some of the deterioration can be explained by residual frustration on the part of respondents due to the current insecurity in the province. However, some of the assumptions that underpinned the (reconstructed) theory of change were not proven during the assessment period. The security situation did deteriorate significantly (assumption 3). While it is debatable whether the “Taliban no longer poses an existential threat to the authorities,”<sup>62</sup> their attacks on state court officials and a widening network of shadow courts certainly impacts on the functioning of the formal justice system. Finally, the 2011, 2012 and 2014 assessments all indicate a strong proclivity to favour informal justice systems. This indicates that formal justice systems are not the primary justice providers in Kunduz (assumption 9) but they are mostly recognised as the correct institution to address criminal cases.

#### **(I) Perceived willingness and capacity of the justice system**

Despite the legal awareness raising initiatives of the IPM and Dutch Rule of Law Programme (detailed in Annex One), few community members have detailed knowledge of the formal justice system in the hinterlands of Kunduz province. However, the escalated breakdown of law and order in the province, especially in districts such as Char Dara has led to a significant spike in people requiring the services of the formal court for criminal cases. In 2014 the Taliban has now replaced the Huquq as the third most ranked institution for dealing with criminal cases. Province-wide, there is an increase in people

<sup>62</sup> Multi-Annual Strategic Plan, 2011 - 2015: Netherlands Embassy Kabul (September 2012), p.4.

that recognize that the court, rather than the shura, is the correct arbiter of criminal cases. The increasing use of the Taliban justice system partly reflects the growing space occupied by the Taliban shadow government in the province and also weaknesses in the state justice system such as corruption and delays. Following on from the previous assessments, delays (over the legal stipulation of 2 months) in primary court hearings remain the norm.

### **(II) Unfair treatment in the formal and informal justice systems**

Corresponding to the rise in people seeking the services of the formal court, in 2014 there has also been an increase in people who claim that they have been treated unfairly by this institution. There has also been a rise in numbers of people who claim unfair treatment on the part of the shura (informal justice sector). However, shuras are still perceived to treat people more fairly than the formal court.

### **(III) Influence of external actors on the justice system**

There has been an increase since the 2011 and 2012 assessments in numbers of people who think that court officials are susceptible to powerful external actors/groups. While the influence of powerful commanders and/or politicians continues, heightened forms of intimidation now exist in the form of AGE targeted assassinations on state justice officials.

### **(IV) Bribery and corruption in the formal justice system**

CATPCA and annual trend analyses indicate that results on bribery and corruption in the justice system have remained reasonably constant over the 4 IPM assessment periods. The self-reporting on bribery in the justice sector is difficult to decipher given that it is an endemic problem that routinizes people to expect corruption even if it is not present. The data on bribery is, at times, contradictory. A majority of people who have used the state courts in the last year (57%) reported that they did not need to pay a bribe. However only 15% of community respondents think that a court official would help them without a bribe.

### **(V) Referrals to the informal and formal justice systems**

The shura tends to refer more criminal cases to the formal justice system because it is well understood that the court is the legal forum for resolving criminal cases. The Huquq officials tend to refer more civil cases initially to the shura because they are perceived as cheaper and less prone to corruption than the formal justice system.

### **(VI) Cooperation between formal and informal justice institutions**

The shura members describe their cooperation with the Huquq as good in the mediation, resolution and mutual referral of civil cases. However, this cooperation appears to be driven by personalities rather than formal guidelines and cooperation between the two institutions is not uniform across the districts. Although shura members recognize the state justice system's pre-eminence in criminal cases, there are instances when shuras try to distance themselves and their communities from this legal organ due to the taint of corruption and bribery.

*Section Five:***Awareness, Acceptance and Accessibility of the Civilian Police and Justice System**

*But making better police in the academies is only one side of the equation. We also need to look at how the public interacts with the police, and how citizens can play a role in making police more accountable and responsive to communities... This is key to the longer-term goal of transition. We must open channels for Afghan communities to participate in how police operate and behave, and apply their own pressures to them...*

**Getting to community policing in Afghanistan**  
**Captain A. Heather Coyne**

Awareness, acceptance and accessibility of the civilian police and justice system is challenging in the current context of Kunduz, and Afghanistan more generally. Despite the rollout of community policing projects by GIZ and EUPOL in Kunduz, the imperative of fighting a violent insurgency takes precedence over the 'softer side' of policing work, which involves strengthening trust with communities and civil oversight of policing. As we have also seen in the previous chapters, the formal justice system can appear as too expensive for ordinary people – in terms of geographic access and financially more onerous than other available justice options (informal mechanisms and the Taliban shadow courts).

This fourth domain of change addresses the improvement in awareness, acceptance and accessibility of both the police and justice systems, disaggregated by gender and ethnicity. The sub-domains addressed in this section are:

1. Acceptance of Police in Communities
2. Community Awareness and Accessibility of the Police
3. Accountability of the Police
4. Ethnic Minority Representation in the Police
5. Women's Access and Representation in the Police
6. Citizen's Trust and Accessibility to the (formal and informal) Justice System
7. Gender Equity in the Justice System
8. Ethnic Minority Equity and Access to the Justice System

This section focuses most clearly on community perceptions in regards to changes (positive and negative) in policing and the justice system. Therefore in contrast to the previous sections, community respondent insights are introduced first with results from other stakeholders used to triangulate and contextualise the findings.

**5.1 Acceptance of Police in Communities**

In order to evaluate the impact of AUP efforts to strengthen their

relationship with the community, citizens of Kunduz were questioned about their respect for and trust in the police. One must keep in mind that community members may tend to avoid expressing negative views about the police. In both the baseline survey and 2012 assessment 79% of community respondents were willing to say that they enjoyed either some or a lot of respect for the police. This number has decreased to 70% in 2014. This trend is not observed in Char Dara where 78% of the community respondents said that they have neither respect nor disrespect for the AUP. When police themselves were asked whether they thought the local population respected them, 89% believed they enjoyed a lot or some respect. This is only a slight decrease from police responses in 2012 (93%) and 2011 (90%).

There is an incongruity between levels of reported respect for the police and whether the police feel that communities are thankful for their services. When asked this question, 81% of the surveyed AUP believe that communities do not value their services. These findings are concerning and may suggest a fundamental breakdown in community-AUP relationships and a cause for low morale amongst police officers (results provided in Annex 5.1).

An improved police-community relationship can also be directly impacted through a proactive programme of activities aimed at establishing good relationships with the community. To this end, the police management were questioned in 2011, 2012 and 2014 in regard to any activities being undertaken in Kunduz province that might improve community-police relations. In all assessment periods, the majority of managers insisted that they enjoyed very good relationships with local communities. The police management believed that as long as the police were focused on creating a secure environment for local residents, they would enjoy a good relationship with local communities. They also believed that this would be supported and continued by increased contact with local communities, and in particular, with weekly meetings with key representatives from the village such as the local mullah. In 2014, the managers placed more emphasis on collaborating with shuras, elders and communities in regard to maintaining the local security situation.

The community questionnaire consists of sets questions that aim at measuring more or less the same concepts, such as 'perception of police effectiveness' or 'trust in the police'. In many cases, concepts like these cannot be measured adequately by one indicator (question), but only by a larger number of questions. Therefore in this final assessment a Categorical Principle Component Analyses (CATPCA) has been undertaken to generate latent variables based on clusters of questions on police effectiveness and trust in the police (based on 2012 and 2014 results).

The analysis is based on the following indications (questions)

**1 Perceptions towards police effectiveness:**

- Do you think the civil police are capable and willing to uphold security law and order?
- Would the police help you if you would not pay a bribe?
- If someone commits a crime against you, do you think the police will be able to work together with the people in the courts to try to bring that person to justice?

**2 Afghan trust in police:**

- If somebody would commit a crime against you, would you go to the police?
- How much respect do you have for civil police?
- Do you trust the civil police?

The newly created latent variable has a mean of 0 and a variance of 1. This means that for about 95% of the respondents (in 2012 and in 2014) the value on the newly created variable is between -2 and 2. Figure 5.1 reveals a significant deterioration in people’s perception of police effectiveness and in particular trust in the police between 2012 and 2014.

	2012	2014	t-value	p-value
Police effectiveness	0.08	-0.08	3.86	0.00
Trust in the police	0.19	-0.08	7.95	0.00
Police effectiveness and trust in the police	0.17	-0.10	7.00	0.00

N 2012= 911; N 2014=921

Table 5.1: Perception police effectiveness and trust in the police (2012 and 2014)

*“In last two years we had good access to the police but now the situation [security] is worse and we don’t have good access to police.”*

Citizen Account 2014, Aliabad

The community surveys are not panels, meaning that the respondents in 2014 would be the same as in 2012 and therefore the measured changes could reflect differences in the composition of the samples. A further analysis (see Annex 5.2. And 5.3) nevertheless shows that the measured changes between 2012 and 2014 cannot, or only to a very small extent, be explained by differences between the number of respondents for each district, the inclusion of more men or women or changes in the ethnic composition of the samples.

Figure 5.2 shows that the most significant deteriorations are in Aliabad and Char Dara (among Tajik and Pashtun groups). Also, changes are much larger for women, than for men.

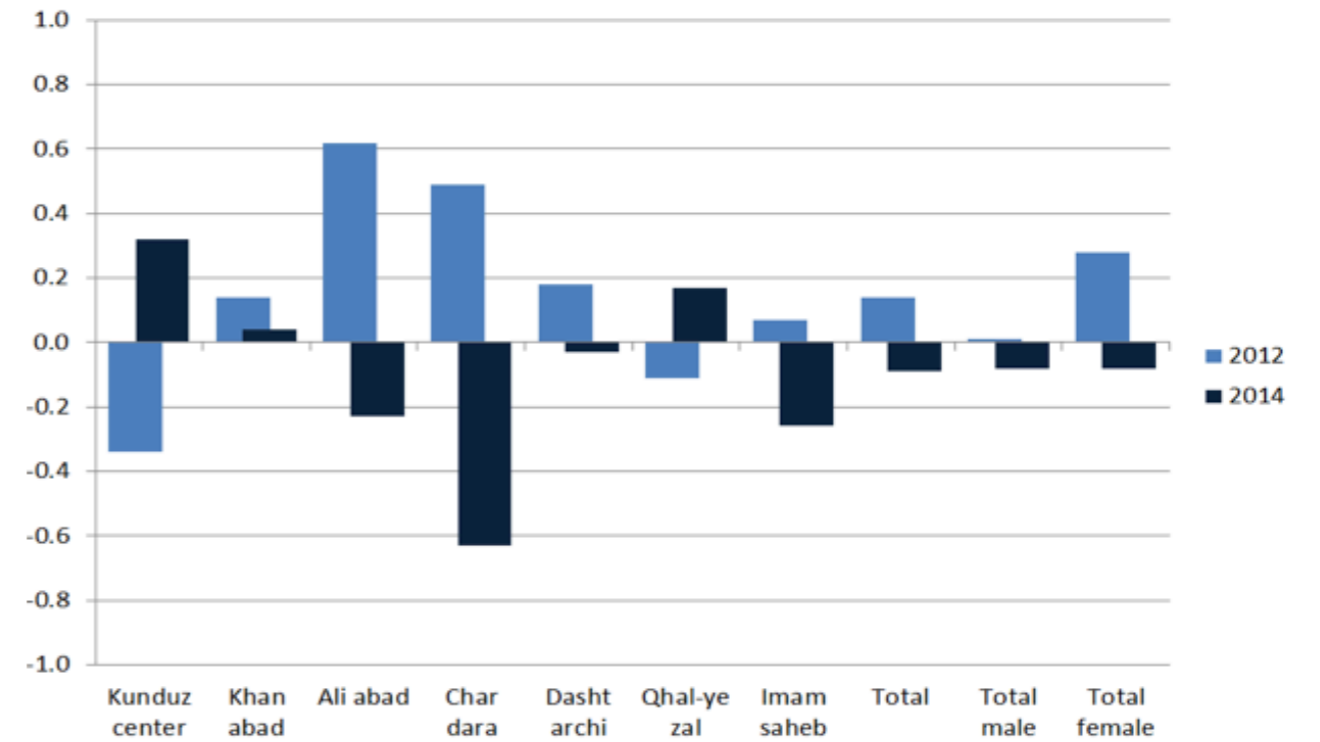


Figure 5.2 Perception of police effectiveness (between 2012 – 2014)

When the results are disaggregated by gender (Figure 5.3), there has been a significantly higher deterioration in women’s perception in the effectiveness of the police and their trust in the police between 2012 and 2014. This is most noticeably the case in Char Dara and Aliabad. Contributing factor to this deterioration is the decreased

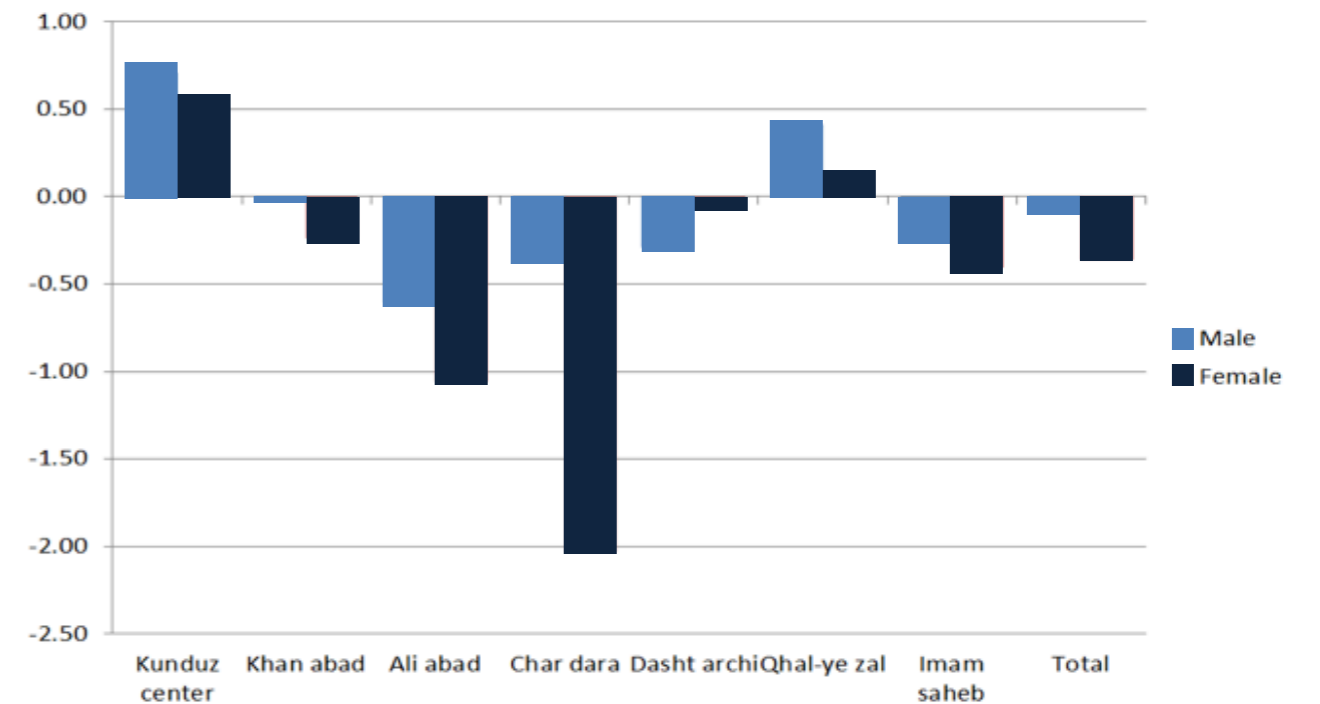


Figure 5.3 Changes in perception police effectiveness and trust in the police by district and gender (2012 and 2014)

law and order situation in these districts and a corresponding need for women to have more contact with the civilian police.

### 5.2 Community Awareness and Accessibility of the Police

As the reconstructed theory of change indicates, one of the assumptions underpinning the Dutch Integrated Policing Mission in Kunduz was the significance of introducing the AUP to community policing. Enhanced community policing in fragile contexts such as Afghanistan is an important strategy in addressing community level disputes and issues before they conflagrate into larger conflicts. Community policing aims at building trust between citizens and the state security services and thus embedding the social contract. Therefore it is important whether people feel confident to approach the police if a crime has been perpetrated against them. Given the relatively good security situation in Qala-e-Zal and the larger policing infrastructure in Kunduz Centre, it is not surprising that 87% and 91% of community members (respectively) would go to the police. However, in Char Dara only 24% would approach the police (result table is provided in Annex 5.4). This is an alarmingly low number of people. While issues of (mis) trust in the AUP may be a variable for such a low number, other factors would also explain people not approaching the police such as lack of awareness and accessibility of a police officer or police post.

Therefore community members were asked how often they see police in their communities (Figure 5.4). In Khanabad, Aliabad and Dashti Archi the majority of respondents said that they rarely saw

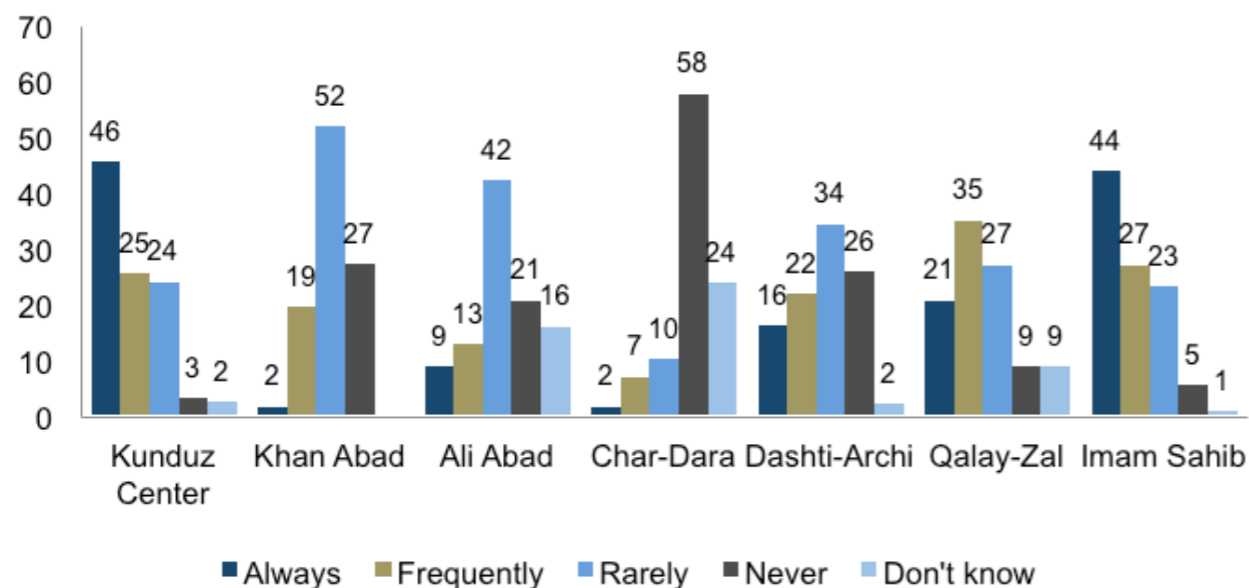


Figure 5.4 Community survey 2014: How often do you see someone from the police in your community

police. More alarmingly, in Char Dara, the majority of community respondents (58%) said they never see the police in their district. The question of perceived police presence in the communities is explored further in relation to the ability to access a police office, if needed. Figure 5.5 indicates there is a perceived decrease in access to a police office since the baseline survey in 2011 (2011: 82% can easily access a police office or access one with some difficulty, 2014: 75%, can easily access a police office or access one with some difficulty). There is also a corresponding increase of

Level of Access to police office	2011 (baseline)	2012 (assessment)	2014 (final assessment)
Easy access	52%	32%	34%
Access with difficulty	31%	48%	41%
No access	17%	20%	25%
N =	1006	911	907

Figure 5.5 Community survey: Access to a police office 2011, 2012, 2014

people in 2014 that say that a police office is not accessible. What may be deduced from the results relating to police presence and access is that police visibility may be very low in some districts (most likely due to the security context) but the location of a police post is reasonably accessible for local communities. However, declining rates of access are cause for concern in the degenerating law and order situation in Kunduz in 2014.

A more nuanced set of results emerges in the Citizen's Accounts data in regards to access to the police. In Kunduz Centre, people report greater access to the police. However, in the hinterlands of the province many accounts suggest that access to the police has decreased due to the security situation i.e. police are too engaged in the insurgency to execute their regular responsibilities to the communities or that the police are isolated in their compounds. People also regularly mention that there have been no positive changes in the AUP and access to the police is often still contingent on paying a bribe.

In order to generate a clearer picture of the level of the police's engagement and rapport with their communities, the police management were asked to identify the biggest problems encountered in communities that the police can help to resolve. The police management reported that the most significant concerns relate to maintaining security and preventing/solving criminal acts. Despite the perceived low presence of the police in communities, there is still a clear demand and/or need for their services. With the

*“People can express their opinions through mobile calling, complaint boxes and also by the help of local elders and Maliks.”*

#### Police Management Interview

exception of Char Dara district, over 50% of community members (in each district) knew one person or more who had been to the police in the last year (complete table results provided in Annex 5.5).

The accessibility of police relates not only to their presence in communities but whether people can afford to use their services. Therefore community members were asked if it is too expensive to take a case to the police. There is an increase in people who believe that it is too expensive to take a case to the police from 67% in 2011 to 75% in 2014. In exact congruence with the findings of 2011 and 2012, the results for 2014 (Figure 5.6) show that the main expenses that mitigate against using the police are corruption and bribes in Aliabad, Khanabad, Dashti Archi and Imam Sahib. Travel costs are a significant barrier to access in the more remote district of Char Dara.

	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
No	44%	26%	14%	26%	8%	20%	17%
Yes, because of corruption	15%	31%	19%	9%	37%	19%	38%
Yes, because of travel costs	5%	7%	9%	44%	24%	13%	19%
Yes, because of court fees [non-corruption]	20%	6%	7%	9%	8%	21%	12%
Yes, Because of bribes	13%	3%	39%	3%	15%	13%	8%
Yes because I can't afford to take time from my job	3%	28%	13%	8%	8%	10%	6%
N =	146	128	122	129	128	121	129

Figure 5.6: Is it too expensive for you to take a dispute to the police, if so why.

### 5.3 Accountability of the Police

As the sub-domains above have highlighted, there is still a lot of work to be done to enhance the respect and accessibility of the police in communities. Therefore it is important to examine what mechanisms are in place in terms of accountability of the AUP and importantly, how these have improved since 2011.

In 2011 and 2012, police management were asked about the local structures and processes that enabled local populations to provide feedback on the performance of the civil police. Respondents to this question often redirected the question and insisted that local residents must exhibit respect when addressing problems with the police. However, some did mention that there had now been a series of complaint boxes introduced in all districts locations like village masjids (mosques). When asked what options were actually used

by local people, police management believed that in many cases local residents would talk with a local elder, or make a complaint at a police station. The police management in 2014 provided identical responses. However, in 2014 since the police perceive (or at least, do not admit) that police accountability and feedback systems need improving; they do not have any current initiatives to make the AUP more accountable to the population. Interestingly none of the respondents directly mentioned any of the initiatives to enhance police accountability that have been introduced by the Netherlands and GIZ partnership on community policing.

### 5.4 Ethnic Minority Representation in the Police

The MoI formal policy on recruitment into the tashkil is to assign quotas of police as per the ethnic composition in Afghanistan. Indeed, for the police to be effective and accepted in communities, it is important that they are perceived to represent the local population groups. As Figure 5.7 indicates, the ethnic target for all groups is under represented in the ANP with the exception of Tajiks who exceed the quota by 18%.

Rank	Pashtu	Tajik	Hazara	Uzbek	Others
Officer	13%	15%	16%	7%	12%
NCO	26%	39%	36%	23%	27%
Patrolmen	61%	46%	48%	70%	61%
Total % of Force	41%	43%	5%	6%	5%
Ethnic Target	44%	25%	10%	8%	13%

Figure 5.7 Ethnic targets and composition of the ANP in January 2014

The 2011 and 2012 assessments “found little, if any, conclusive evidence that one particular ethnic group was dominating the AUP [in Kunduz].”<sup>63</sup> However, some community members did not believe their ethnicity was fully represented in the AUP. In 2011 21% of people disagreed or strongly disagreed that their ethnic group was represented in the Kunduz AUP. In 2012, this number rose slightly to 25%. In the 2014 final community assessment this number again increased slightly to 28%. Given the increasing evidence of ethnic polarization during the election period, it is mildly surprising that this percentage is not higher in 2014.

63 2012 NL-IPM Progress Assessment (CPAU: 2012), p.38.

	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Yes	63%	37%	27%	7%	1%	4%	74%
No	37%	63%	73%	93%	99%	96%	26%
N=	147	128	121	119	124	126	129

Figure 5.8 Community survey 2014: Is there women police in your area

### 5.5 Women’s Access and Representation in the Police

The 2014 community survey asked whether people were aware of women in the AUP in their area and if there is enough women in the police in their district. Figure 5.8 reveals high levels of awareness of women in the police in Kunduz Centre and Imam Sahib. However there is very low awareness of women in the police in Char Dara (93%), Dashti Archi (99%) and Qala-e-Zal (96%).

Socio-cultural restrictions continue to make it very difficult for the vast majority of women to conduct their work outside of the home. Thus, government institutions, formal and informal justice institutions, as well as the ANP remain largely dominated by men. In response, this assessment has sought out community attitudes regarding the acceptance of women joining the police. In 2011, 25% of people agreed or strongly agreed that a woman in their community could get a job with the police. In 2012, this number rose to 31%. However in 2014, the percentage of people who thought a woman could get a job in the AUP declined to 22%. Responses to this question demonstrate once more the diversity across the province with 53% of people agreeing that women can join the police in Kunduz city and only 7% believing this opportunity is available to women in Aliabad and Char Dara. (Complete results provided in Annex 5.6).

### 5.6 Citizen’s Trust and Accessibility to the (formal and informal) Justice Systems

Given the Netherlands investment in judicial hardware throughout Kunduz (construction of 13 justice buildings) and a focus on training judges, prosecutors and lawyers, it is reasonably expected that access to state justice organs will have improved over the assessment period. Indeed, the 2011 and 2012 IPM assessments reported that “access to state justice institutions is relatively good throughout Kunduz province since judicial institutions were present in each district, and had evidenced growing capacity over the past couple of years.”<sup>64</sup>

64 NL-IPM Assessment (CPAU: 2012), p.86

Figure 5.9 presents an unexpected trend over the assessment period. People reporting easy access to a court have declined 18% over the entire assessment period. In 2014, there are more people who claim not to have any access to the courts at all (25%). These changes are statistically significant. These results can be explained within the context of the security situation of 2014. State courts are typically located in district centres and travel between villages

Level of Access to formal courts	2011 (baseline)	2012 (assessment)	2014 (final assessment)
Easy access	53%	32%	34%
Access with difficulty	30%	48%	42%
No access	17%	20%	24%
N =	1022	867	907

Figure 5.9 Community survey: Access to formal courts 2011, 2012, 2014

Chi<sup>2</sup>=110; p=0.00

to the district towns has become extremely hazardous in districts such as Char Dara.

Community members were then questioned about their access to shuras. The results indicate in 2011, 2012 and 2014 that people reported slightly higher access to the shura than the formal courts (2011: 89% with easy access or able to access with difficulty; 2012 99% with easy access or able to access with difficulty; 2014 87% with easy access or able access with difficulty). However, in common with access to the formal courts, there are higher numbers of people in 2014 that reported that they could not access a shura (13%) than in previous years. Shuras tend to be located within villages but settlements spread over a wide area will still pose travel challenges in the current insecure context. Furthermore, people who are residing in Taliban controlled areas may only be able to access the Taliban court system.

The results indicate in 2011, 2012 and 2014 that the Huquq is the least accessible of the justice options available to Kunduz residents (2011: 71% of citizens report easy access or ability to access a Huquq with difficulty; 2012 68% of citizens report easy access or ability to access a Huquq with difficulty; 2014 72% of citizens report either easy access or ability to access a Huquq with difficulty). On a positive note, the numbers of people claiming that they have some level of access to the Huquq has increased since the start of the IPM assessment period. However, there are district deviations with Char Dara (56%) and Dashti Archi (37%) reporting the highest numbers of people stating that a Huquq is not accessible. These are both remote and insecure districts and access to such institutions would be challenged by both geographical and security factors.

Accessibility to the courts must be considered on a number of variables. As reported previously in this report, access to effective justice procedures is reduced by a variety of factors such as corruption, bribery, insecurity, interference by powerful people, and social and cultural taboos. Another factor that has emerged is the unreasonably high costs of bringing a case into the justice system for many residents of Kunduz province. Poverty (often severe) remains the norm for many residents, and makes paying for travel expenses, administrative fees, and bribes very difficult given the loss of income they experienced while away from a job. Thus, the 2011, 2012 and 2014 community surveys asked participants whether it is too expensive for them to take a dispute to the courts, and if so, why.

In 2011 and 2012, 75% of respondents stated that the courts were too expensive to approach. In 2014, the numbers of people who felt that the courts were prohibitively expensive to them rose to 84% (full table of results in Annex 5.7). This is an increase of 9% over the 2011 baseline report. In 2011, 2012 and 2014, the respondents who believed the courts were too expensive cited corruption as the primary barrier. Bribery and travel expenses were the next cited barriers across all assessment periods. While insecurity and a breakdown of law and order is an iterative explanation for deteriorating results in 2014, this final assessment concurs with the observation made in the 2012 IPM report: “Overall, these responses raise some serious questions about the accessibility of court procedures in Kunduz province.”<sup>65</sup>

### 5.7 Gender Equity in the Justice System

It has been well established that women across Afghanistan traditionally have limited access to justice. Therefore to measure any improvements in women’s access to justice, since the baseline survey, the residents in Kunduz have been asked whether women can represent themselves in the formal courts and also in the shuras (informal justice system).

In regards to the formal courts, there has been a slight deterioration since 2011 and 2012 in the perception of women’s ability to take a case to court. 40% of people in 2011 and 2012 believed that either a woman should not take a case to court (17%) or that men must represent a woman in court (23%). In 2014, 42% of community respondents stated that a woman should not represent herself in court. This deterioration from the baseline survey is curious,

especially given that more females comprised the community survey in 2014. Therefore these results were further crosschecked and analysed in SPSS by using the change perception questions. This further analysis reveals that women’s access to the formal courts has deteriorated during the survey assessment period. It is possible that in areas that are subject to greater Taliban control, people would be more reluctant to speak about women’s rights and this could also partly account for the deterioration Results in Annex 5.8).

Although the previous assessments have indicated a strong proclivity for females to approach a shura rather than a formal court, this system of justice can also portray bias in terms of both access and fairness. Therefore a similar question was posed in regards to a woman representing herself on a case brought before a shura. In 2012, 49% of community respondents believed she could not represent herself. In 2014, this number decreased to 44%. Therefore unlike representation in the formal justice system, which has deteriorated for women, the situation vis-à-vis the shura has improved. Nevertheless, these results still indicate the significant barriers of lingering social codes that govern the actions of traditional informal justice systems.

Access to justice also encompasses gender equity within the legal system. Since 2011, the residents of Kunduz have been asked whom they think is most likely to win a case in a shura. The results in Figure 5.10 reveal a significant improvement since 2011 in perceptions of women’s equality in the informal court system. In 2014, 20% more people now think that men and women have equal chances of winning a case and 35% less of people think that men are likely to win a case. However, a more complex picture emerges when the results are analysed at a district level. At the more extreme ends of the spectrum, 17% thought that women had a stronger chance of winning a case in a shura in Imam Sahib but 49% felt that men were more likely to win in Qala-e-Zal (complete results provided in Annex 5.9).

Most likely to win a case in a formal court by ethnic group	% Community respondents 2014
Tajik	1%
Uzbek	9%
Pashtun	9%
Hazara	1%
Turkman	2%
Other	24%
Equal chance	30%
Don't know	24%
Total count	914

Who is most likely to win a case in a shura	2011 (baseline)	2012 (assessment)	2014 (final assessment)
Men	59%	39%	24%
Women	5%	8%	5%
Equal chance for both	25%	24%	45%
Don't know	29%	39%	26%
N =	1039	901	914

Figure 5.10: Who is most likely to win a case in a shura (2011, 2012, 2014)

65 NL-IPM Assessment (CPAU: 2012), p.91.



## 5.8 Ethnic Minority Equity and Access to the Justice System Fairness and Access in the formal justice system

In 2012 and 2014 community survey respondents were asked if they believed judges were more likely to favour people from their own ethnic group or tribe. In 2014, there has been a notable increase in numbers of people who believe that judges are more likely to favour people of their own ethnicity (2012: 16% agree or strongly agree that judges favour their own ethnic group; 2014: 30% agree or strongly agree that judges favour their own ethnic group).

When community members were asked which ethnic group they thought was most likely to win a case in a formal court Uzbek and Pashtuns were seen to be somewhat more likely. 24% of respondents also cited “other” when answering this question. This is interpreted as people believing that the determining factor of winning a case relates to other factors beyond ethnicity such as patronage and political networks.

### Fairness and Access in the informal justice system

The levels of perceived ethnic bias are higher in shuras than in the formal courts. Perceived ethnic bias has also risen from 40% of respondents in 2012 who thought that members of a shura were more likely to favour people from their own ethnic group to 53% in 2014. There is also disparity between the districts in this regard. In Qala-e-Zal the percentage of people who think that shuras favour their own ethnic group is 69% and 76% of interviewees in Dashti Archi think that this is the case. (Complete table of results provided in Annex 5.10).

## 5.9 Contribution to Increased Awareness, Acceptance and Accessibility of the Civilian Police and Justice System

This section explored 8 sub-domains that aimed to contribute directly to improving the quality of the justice system in Kunduz and aggregate impact towards the overall IPM goal (“The population of Kunduz province perceives the Afghan civilian police and other elements of the rule of law sector as better accessible, more capable and better able to protect basic rights.”). 2014 has seen a slight deterioration from the previous IPM assessments on important indicators such as access to police posts and ability of women to represent themselves in the state courts. However a number of

improvements have been observed in other sub-domains such as women’s perceived equality in the informal court system.

As we have observed in the assessment of the previous three domains of change, some of the deterioration can be explained by residual frustration on the part of respondents due to the current insecurity in the province. However, two of the assumptions that underpinned the (reconstructed) theory of change were not proven during the assessment period. The unexpected deterioration of the security situation (assumption 3) has had a severe impact on the perceived local police presence and also access to the AUP and formal justice providers. Although there is inequitable representation of the main ethnic groups in the AUP, the assumption that ethnic affiliations will not override police standard operating procedures (Assumption 8) has been partly borne out. However, ethnic bias continues to plague both the formal and informal justice sectors.

### (I) Acceptance of Police in Communities

Numbers of community respondents who claim to have respect for the police have decreased over the assessment period. The CATPCA analyses show more generally a significant deterioration in people’s perception of police effectiveness, and in particular, trust in the police between 2012 and 2014. The outlier is once more Char Dara with a lack of trust most pronounced among Tajik and Pashtun groups. Correspondingly, over 80% of the AUP interviewed throughout Kunduz believe that communities do not value their services. These findings are concerning and may suggest a fundamental breakdown in community-AUP relationships and a cause for low morale amongst police officers. Despite these findings, in all assessment periods, the majority of police managers insisted that they enjoyed very good relationships with local communities. In 2014, the managers placed more emphasis on collaborating with shuras, elders and communities in regard to maintaining the local security situation. This indicates a prioritization of anti-counter insurgency policy over more general precepts of community policing.

### (II) Community Awareness and Accessibility of the Police

There has been a decrease in community access to a police office since the baseline survey was conducted in 2011 and a corresponding increase of people in 2014 that say that a police office is not at all accessible. Coupled with poor access is the low visibility of the police in the districts. In Khanabad, Aliabad and Dashti Archi the majority of respondents said that they rarely saw police. More alarmingly, in Char Dara, the majority of community respondents said they never see the police in their district. However the majority of Kunduz residents would still seek out a police officer

if a crime were committed against them. The exception to this trend is once again Char Dara district where under a quarter of people would approach the police. What may be deduced from the results relating to police presence and access is that police visibility may be very low in some districts (most likely due to the security context) but the location of a police post is reasonably accessible for local communities. However, declining rates of access are cause for concern in the degenerating law and order situation in Kunduz in 2014.

### **(III) Accountability of the Police**

Despite strong indication of a breakdown in trust and respect between the population and police in Kunduz, the police perceive (or at least, do not admit) that police accountability and feedback systems need improving and they do not have any current initiatives to make the AUP more accountable to the population. Interestingly none of the respondents directly mentioned any of the initiatives to enhance police accountability that have been introduced by the Netherlands and GIZ partnership on community policing.

### **(IV) Ethnic Minority Representation in the Police**

In 2014 there has been a slight increase in numbers of people who do think that their ethnic groups are fairly represented in the Kunduz AUP. While patronage networks are very strong within the AUP and can influence promotion and postings, it may be that these networks are not solely based on ethnicity.

### **(V) Women's Access and Representation in the Police**

General awareness of women in the police force is very variable across the province with high awareness in Kunduz Centre and Imam Sahib but extremely low awareness of women in the police in Char Dara, Dashti Archi and Qala-e-Zal. It is not surprising that the small number of females in the AUP would be clustered in the province capital and Imam Sahib (which was once considered) a stable district. Unfortunately in 2014, the percentage of people who thought a woman could get a job in the AUP has declined. The most notable decline has been in the rural hinterlands such as Char Dara.

### **(VI) Citizen's Trust and Accessibility to the (formal and informal) Justice Systems**

The 2011 and 2012 IPM assessments reported good access to state justice institutions, a presence of judicial institutions in each district, and a growing capacity of these bodies. Despite these previous findings and a significant Dutch investment in judicial hardware

and training, there has been a significant decline in 2014 in people who say they can access a formal court. These results can be explained within the context of the security situation of 2014. State courts are typically located in district centres and travel between villages to the district towns has become extremely hazardous in districts such as Char Dara. At a broader level, this may indicate a decreased operating space for GoA institutions and perhaps an increased space for non-Government justice providers, such as the Taliban. On the other hand, people have reported improved access to shuras in the final assessment. The results indicate in 2011, 2012 and 2014 that the Huquq continues to be the least accessible of the justice options available to Kunduz residents

In 2014, the numbers of people who felt that the formal courts were too expensive to access rose significantly to 84%. Corruption continues to be cited at the primary barrier to access the state justice system. It is hard to determine the line between perceived corruption and tangible corruption as reported by the community respondents. It is likely that the breakdown of law and order has contributed to greater impunity to commit acts of corruption. However whether the corruption is fact or perception, the community responses in 2014 raise some serious questions about the accessibility of court procedures in Kunduz province.

### **(VII) Gender Equity in the Justice System**

In 2014 just under half of the residents in Kunduz thought that a woman could not take a case to the formal court by herself. This represents deterioration in the perceived equality of women to access the formal court system since 2011. The most significant improvement in terms of gender equality in the justice system is found in the informal sector. The perceived ability of a woman to present a case to the shura by herself has increased in the final IPM assessment. Furthermore, there had been a 20% increase in people who believe that men and women have equal chances of winning a case in a shura. These results lend substance to the goal of advancing to a more equitable position for women vis-à-vis the Afghan justice system however, there remain significant barriers and social codes that govern the actions of traditional and formal justice systems

### **(VIII) Ethnic Minority Equity and Access to the Justice System**

Ethnic favouritism is a growing phenomenon in the state court system. In 2014, there has been a notable increase in numbers of people who believe that judges are more likely to favour people of their own ethnicity. The levels of perceived ethnic bias are even higher in shuras than in the formal courts. Since the baseline

survey there has been an increase in 13% of people who think that members of a shura are more likely to favour people from their own ethnic group. This is a worrying situation that has the potential to perpetuate ethnic cleavages at a local level and increase the possibilities of local conflict in an already volatile situation.

## Annex 1: Inputs and Outputs of the Dutch IPM

The main inputs and outputs of the mission related to police training. The table below details the initiatives conducted from 2011 – 2012: - <sup>66</sup>

Inputs	Outputs	Collaborating Partner
<b>Training of police in Kunduz</b>		
Development of a curriculum for an 8 week initial police training course focusing on human rights, rights of women and children and policing ethics	<ul style="list-style-type: none"> <li>410 trainees completed course (48 continue course with Afghan trainers)</li> <li>Training course accredited for all Afghanistan</li> </ul>	EUPOL
Training course for women in the police	<ul style="list-style-type: none"> <li>15 female officers completed course</li> </ul>	
10 weeks advanced community policing course (on the job training)	<ul style="list-style-type: none"> <li>350 male and 15 female officers trained</li> </ul>	
Training of trainers at Police Training centre	<ul style="list-style-type: none"> <li>Handover to Afghan trainers</li> </ul>	
Training of trainers for middle/higher level officers	<ul style="list-style-type: none"> <li>300 officers</li> </ul>	
Literacy training	<ul style="list-style-type: none"> <li>2000 police officers</li> </ul>	GIZ
<b>Strengthening community oversight of the police in Kunduz</b>		
NGO-led civil society dialogue on policing	4,700 participants	Implemented by GIZ
Community policing awareness raising events e.g. soccer matches		Implemented by EUPOL
<b>Collaboration between police and prosecutors</b>		
Police and prosecutor joint trainings on cooperation	42 prosecutors, 40 investigators, 4 judges participate	Designed and implemented by EUPOL (funded by Netherlands)
Training of prosecutors and investigators to improve assistance to victims of violence and improve evidence gathering	14 meetings (held in Khanabad, Aliabad and Imam Sahib)	Implemented by GIZ
<b>Enhancing the capacity of the justice sector</b>		
22 training courses on formal justice system	570 participants (including judges, police officers, lawyers, human rights officers)	Implemented by Max Planck Institute (funded by Netherlands)

<sup>66</sup> There is no document that clearly and comprehensively outlines the inputs and outputs of the IPM. Information in this table was found in the final evaluation (Eindevaluatie Geïntegreerde Politietrainingsmissie {Final Evaluation of the Integrated Police Training Mission} (Ministry of Foreign Affairs, The Hague, 2014).

Training members of the Huquq	<ul style="list-style-type: none"> <li>118 Huquq officials trained</li> <li>Provision of law books</li> <li>Enhanced office structures</li> </ul>	Implemented by Max Planck Institute (funded by Netherlands)
Establishment of Afghan Independent Bar Association – Kunduz Chapter	2012: 148 people receive free legal aid / advice 2013 (until 1 July) 129 people receive free legal aid / advice	GIZ
Funding of two female Afghan lawyers	Provision of legal advice for women in prison	GIZ
Construction of women’s meetings room in prison	Females in prison	GIZ
<b>Related initiatives in Kunduz funded by the Netherlands Rule of Law Programme</b>		
Construction of 13 justice building (all districts in Kunduz)	Office space for Huquq officials and prosecutors to serve their clients	
NGO training sessions on improving awareness, acceptance and access to justice	62 training sessions for shuras in Kunduz	Afghan NGOs
Women’s rights training	40 dialogue meetings and ToTs sessions	The Asia Foundation
Outreach and education on rule of law, police and women’s rights	Radio programmes reaching 1 million listeners in Kunduz	Afghan NGOs

**Annex 1.1: 2012 Community Survey: Which group has most control over the districts?**

Government control							
	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Most control	87	83	78	70	76	31	57
Some control	13	11	17	16	11	68	12
Less control	0	3	2	9	11		17
Least control	1	2	3	5	2	1	14
	100%	100%	100%	100%	100%	100%	100%

Anti government groups							
	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Most control	1	6	1		8	0	3
Some control	26	12	30	24	10	0	10
Less control	21	27	12	20	15	14	4
Least control	52	55	57	56	67	86	83
	100%	100%	100%	100%	100%	100%	100%

Warlords and strongmen							
	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Most control	19	12	9	2	6	1	19
Some control	58	24	1	16	38	40	18
Less control	13	43	47	52	43	59	32
Least control	10	21	43	29	14	0	30
	100%	100%	100%	100%	100%	100%	100%

Arbeki							
	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Most control	2	8	47	43	14	70	47
Some control	12	56	3	33	44	2	31
Less control	57	29	50	8	31	27	7
Least control	29	6	0	16	10	1	16
	100%	100%	100%	100%	100%	100%	100%

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### Annex 1.3 Description of Sampling

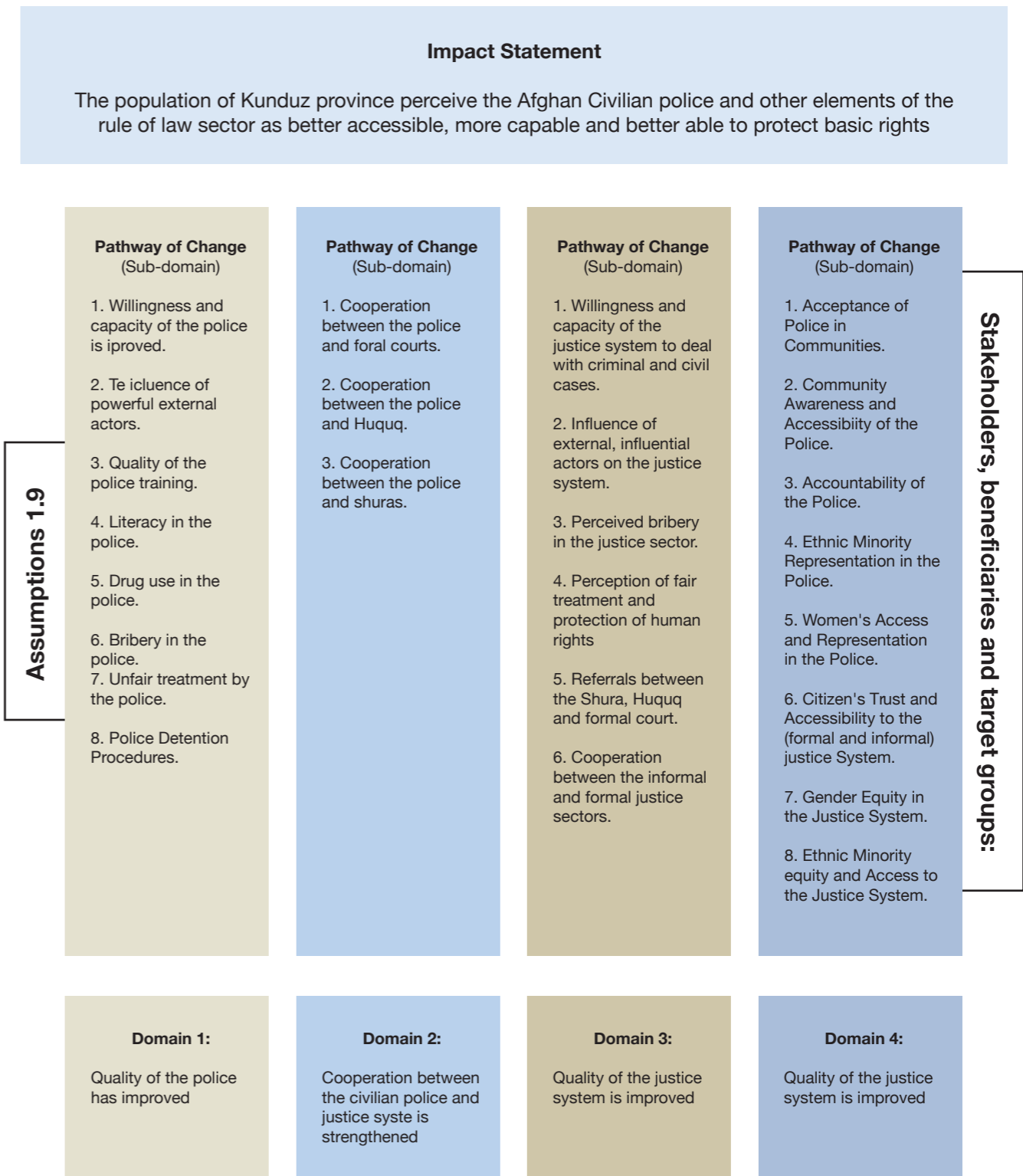
Meeting the requirements of a research processes based on random sampling is a continual challenge faced by CPAU researchers in insecure environments such as Kunduz province. In common with the previous assessments, the village selection utilized a mixture of purposeful and random sampling. Village selection was purposeful in the sense that surveyors were instructed to ensure the village contained multiple ethnicities. This directive is meant to ensure that surveyors do not simply make village choices on the basis of the comfort of visiting communities dominated by their own ethnicity. Further, the process was somewhat purposeful in that villages were chosen from across the district (from the north, east, west, and south) to ensure that convenience sampling was avoided – i.e. surveying a series of villages in close proximity to avoid extensive travel in difficult surroundings.

In order to select houses, surveyors used a mixed purposeful and semi-random sampling method. After starting down a street the surveying team would randomly choose a house as a starting point using a digit on an Afghani note, conduct the interview(s) in that house, and then would skip at least two houses and select another house. These subsequent selections were careful to avoid houses directly across the street from a previously surveyed house. Surveyors were also careful to not survey an adjoining house to the rear. The reason for this procedure was to avoid a potential bias since residents of neighbouring houses may hold similar views, or even have relatives or close family members.

Once inside of a house, the surveyors chose participants in a random fashion. Potential participants were divided into two groups (male and female) for the selection procedures and, in similar fashion to the previous assessments, surveyors had potential participants draw lots. In some cases the surveyors reported that the household members refused to draw lots. In these cases, the researcher would ask for the potential participant's names and select a person at random using the first letter of their name. In many cases there were additional people in the room during the survey. This was carefully noted on the surveys in case it affected the responses to the questions. In some cases all of the males of the household were found to be out in the fields or in a local shop. In these instances the survey was conducted in the field or in the shop.

CPAU's Kabul-based research staff used SPSS statistical software for the survey analysis. Survey responses were coded and inputted into a database for computer-aided analysis. Open-ended questions were also coded using appropriate frameworks developed by the research staff after reviewing the range of written responses to each question. CPAU's research staff and the Principal Investigator then conducted analyses of the resulting datasets.

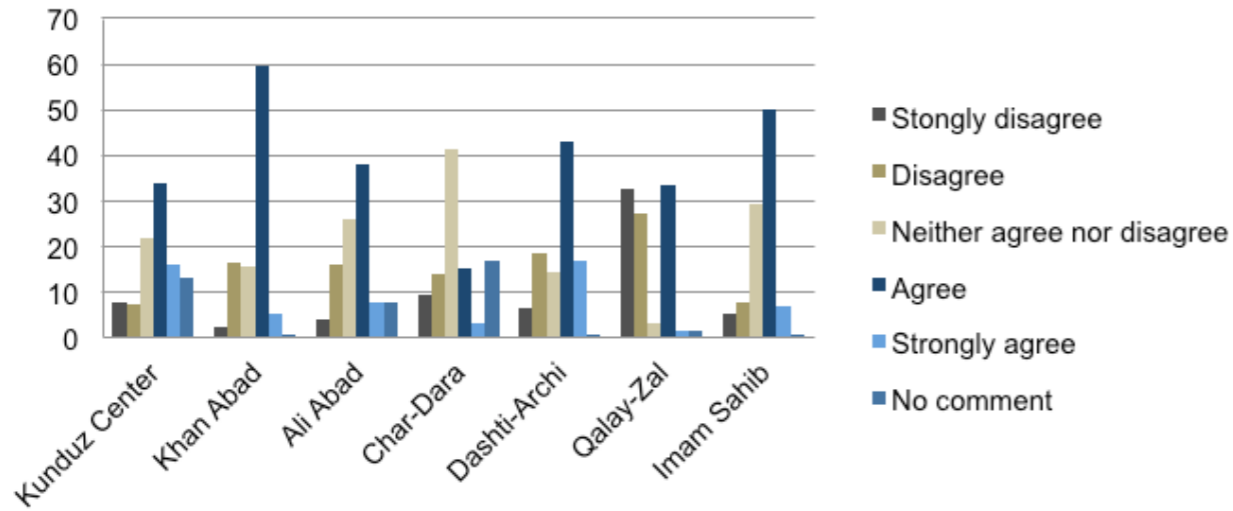
### Annex 1.4



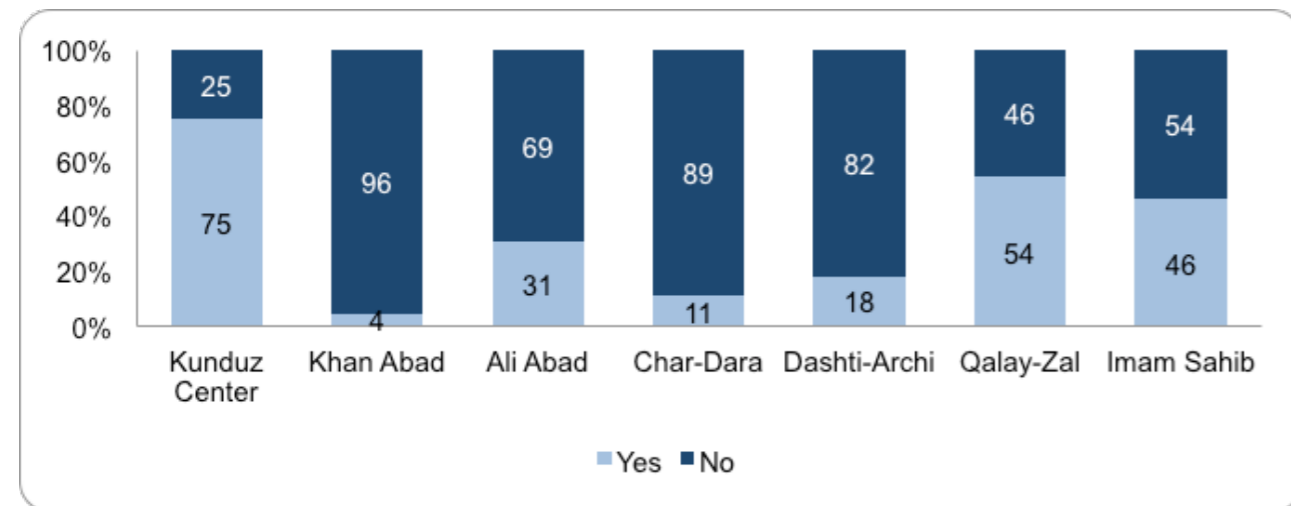
Situational context of the IPM in Kunduz Ethnic delegates and social, ethnic, gender and economic exclusion Legacy of Jihadi commanders (and upsurge in associated militias)

Figure 1.1 Sub-domains

## Annex 2: Assessment Tables and Graphs for Section Two



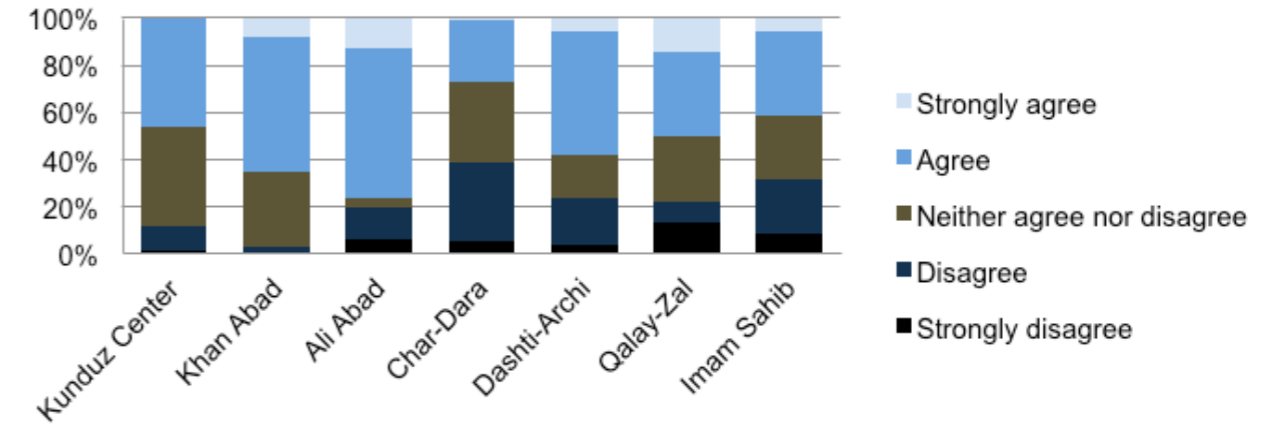
2.1 Community survey 2014: Capacity and willingness of civil police to uphold security, law and order



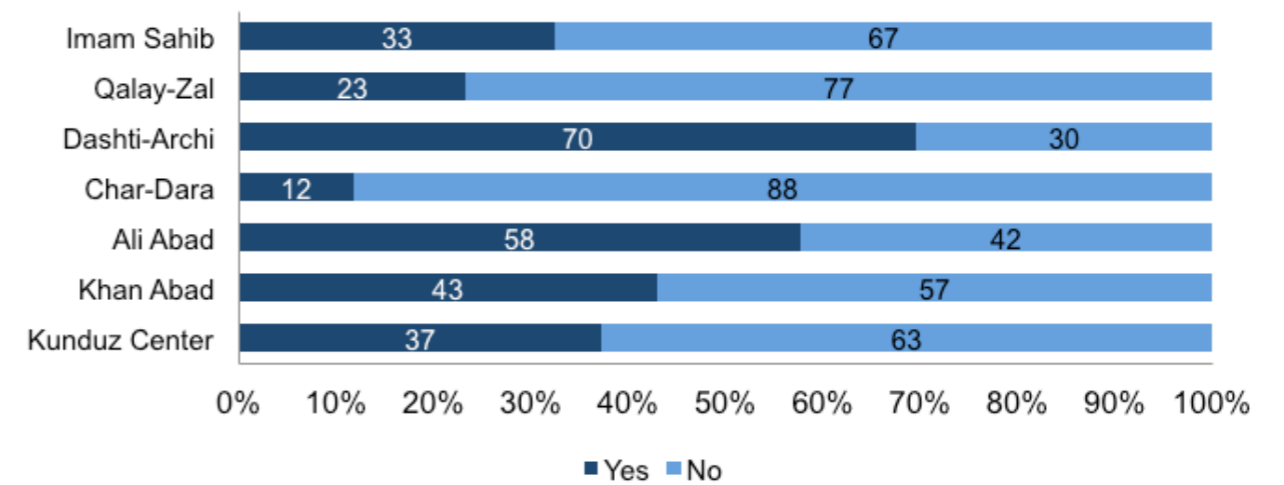
2.2 Police survey 2014: Do you think there are enough police in this district to provide security

Police survey	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Yes	45%	62%	33%	7%	46%	0%	20%
No	31%	19%	21%	57%	7%	63%	20%
Sometimes	24%	15%	46%	32%	47%	26%	52%
Don't know	0%	4%	0%	4%	0%	11%	8%
	100%	100%	100%	100%	100%	100%	100%

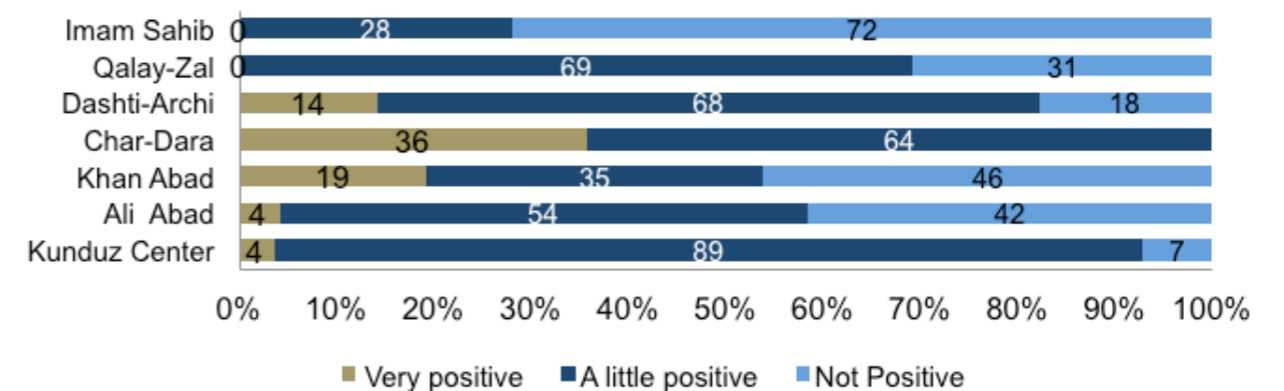
2.3 Police survey 2014: Do you think that the police are influenced by powerful people outside of the police (e.g. warlords, politicians)



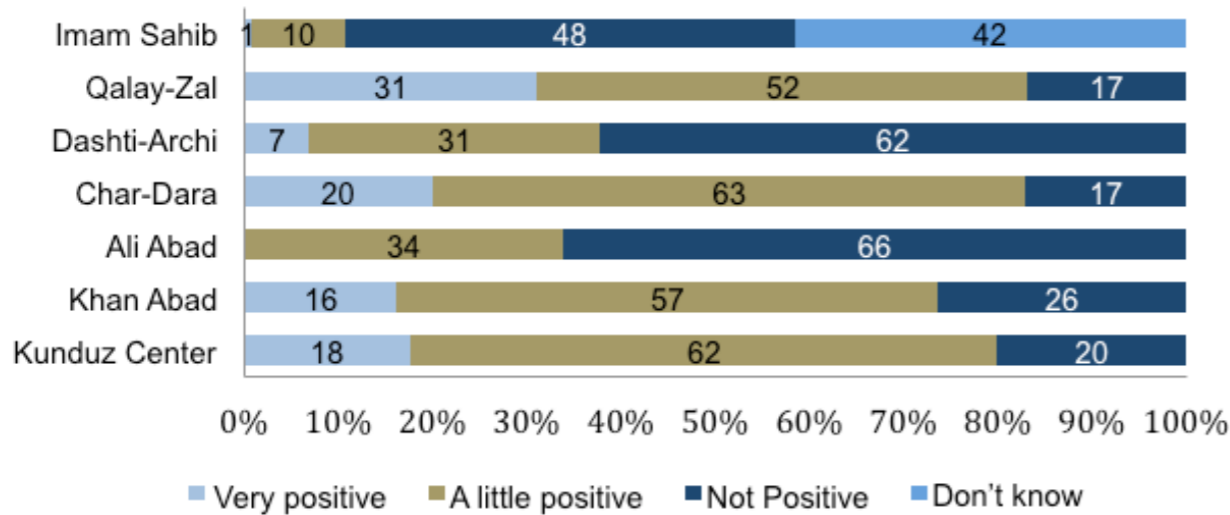
2.4 Community survey 2014: Do you think that the actions of the police are influenced by powerful external groups/actors



2.5 Community survey 2014: Do you think that any of the police in this district are involved in drug use



2.6 Community survey: In 2011, how would you rate your feelings about the ability of the police to solve crimes without taking a bribe



2.7 Community survey: In 2014, how would you rate your feelings about the ability of the police to solve crimes without taking a bribe

Community survey	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Bribery	10%	48%	22%	4%	31%	17%	24%
Theft or damage to property	23%	3%	5%	0%	8%	6%	6%
Beating/violence	21%	6%	30%		21%	19%	13%
Did not take my case seriously	18%	33%	8%		10%	2%	4%
Rape				4%		2%	
Police driving recklessly and causing accident	18%	6%	32%	11%	12%	8%	15%
Other	10%	3%	3%	7%			4%
None of the above/ no answer				73%	19%	46%	33%

2.8 Community survey 2014: How have the police treated you unfairly?

### Annex 3: Assessment Tables for Section Three

	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Lack of corruption	3%				5%		
Distance			53%		5%		10%
Limited or no other financial cost		5%	7%		11%		5%
Effectiveness	59%	47%	13%	79%	37%	52%	55%
They have the knowledge or intelligence	34%	5%	7%	5%	26%	26%	0%
Fairness & Equality they would treat people fairly and equally)	3%	11%	0%	0%	5%	9%	10%
Empathy (they care about people)	0%	0%	20%	16%	5%	0%	5%
Safety (lack of danger/violence)	0%	0%	0%	0%	5%	0%	5%
Other	0%	26%				4%	10%
Don't know		5%				9%	

3.1 Police survey 2014: If yes, why would you recommend that people go to the formal court system?

	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Yes, I think their cooperation is very good	24%	7%	4%	10%	17%	29%	31%
Yes, I think their cooperation is somewhat good	43%	51%	28%	25%	48%	56%	26%
No, I think their cooperation is somewhat bad	12%	23%	34%	12%	15%	9%	20%
No, I think their cooperation is very bad	2%	10%	20%	5%	5%	2%	7%
I don't know if their cooperation is good or bad	19%	9%	14%	48%	14%	5%	16%

3.2 Community survey 2014: Do you think that that police and prosecutors are able to work together to bring a criminal to justice?



	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Lack of corruption	17%	11%	0%	4%	8%	5%	50%
Distance	17%	63%			4%	9%	25%
Limited or no other financial cost	9%	5%		30%	23%	9%	
Effectiveness	13%	16%	48%		23%	14%	6%
They have the knowledge or intelligence	4%		40%		27%		6%
Time (it is quicker than other options)	39%			7%	8%	41%	
Fairness& Equality they would treat people fairly and equally		5%	12%	30%			
Empathy (they care about people)				30%			
Others						23%	13%

### 3.3 Police survey 2014: why would you refer a dispute over land to a shura?

## Annex 4: Assessment Tables for Section Four

	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Bribes	54%	14%	79%	2%	26%	27%	26%
Not taking my case seriously	31%	57%	3%	13%	24%	20%	23%
Powerful people influenced the judge	8%		7%	2%	7%	2%	2%
Powerful people influenced the prosecutor			7%	4%		2%	2%
They sided with people from their own group			3%	4%		7%	
The case took too long		29%		16%	3%	4%	2%
Evidence presented in the case was fake or was messed up				38%			

### 4.1 Community survey 2014: How has a formal court treated you unfairly

	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Bribes	13%		22%	9%	2%	9%	
Not taking my case seriously	27%	50%	22%	16%	7%	9%	2%
Powerful people influenced my case	20%	50%	39%	16%	13%		14%
The case took too long	20%		13%	4%	2%		9%
They sided with people from their own group				9%	4%	3%	
Others	20%		4%				

### 4.2 Community survey 2014: How have you been treated unfairly by the shura

### Annex 5: Assessment Tables and Graphs for Section Five

Police survey	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Strongly agree		4%	4%		4%		12%
Somewhat agree	3%	64%	8%	19%	4%		24%
Neither agree nor disagree				52%	18%		32%
Somewhat disagree	87%	24%	50%		50%	81%	28%
Strongly disagree	10%	8%	38%	30%	25%	19%	4%

5.1 Police survey 2014: Do you think that communities are thankful for the police helping them with their problems

	2012	2014	t-value	p-value
Police effectiveness	0.08	-0.08	3.86	0.00
Trust in the police	0.19	-0.08	7.95	0.00
Police effectiveness and trust in the police	0.17	-0.10	7.00	0.00

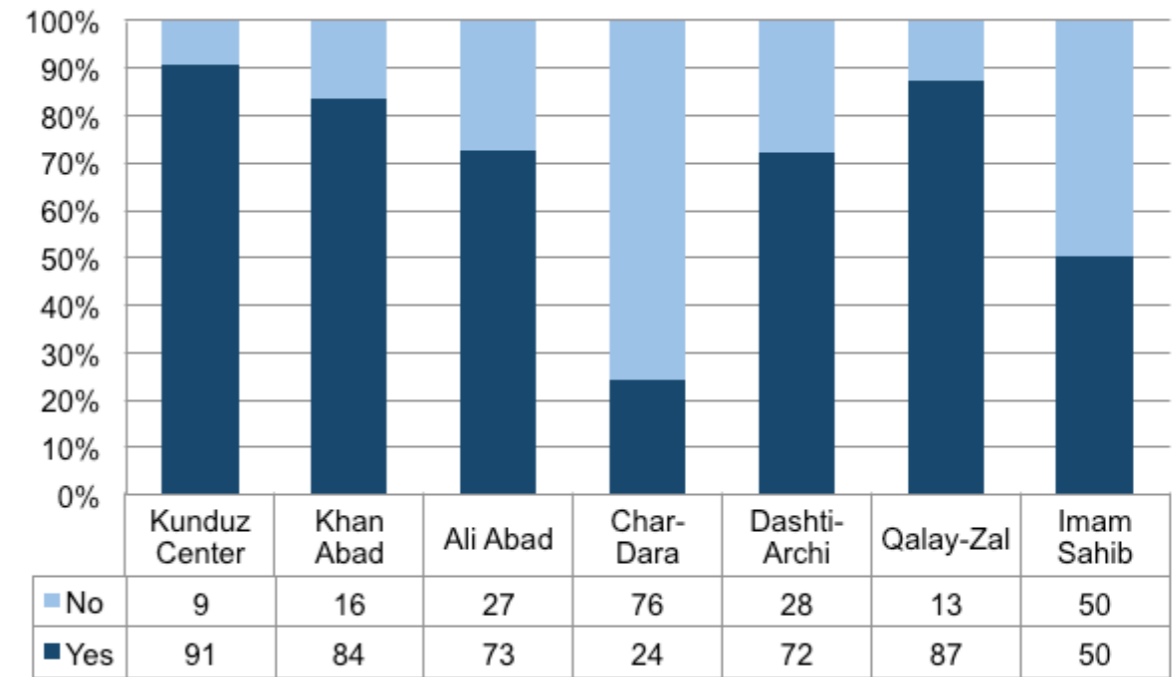
N 2012= 911; N 2014=921

5.2 Perception police effectiveness and trust in the police (2012 and 2014)

	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib	Total	Total male	Total female
Uncorrected:										
2012	-0.33	0.14	0.63	0.49	0.22	-0.11	0.13	0.16	0.01	0.31
2014	0.32	0.05	-0.24	-0.62	-0.07	0.18	-0.32	-0.10	-0.08	-0.10
Corrected*:										
2012	-0.34	0.14	0.62	0.49	0.18	-0.11	0.07	0.14	0.01	0.28
2014	0.32	0.04	-0.23	-0.63	-0.03	0.17	-0.26	-0.09	-0.08	-0.08
F-value	46.7	1.2	84.8	61.7	5.0	12.5	13.6	34.6	3.2	42.4
Significance	0.00	0.27	0.00	0.00	0.03	0.00	0.00	0.00	0.08	0.00
N	276	258	252	254	273	249	149	1811	939	872

5.3 Perception police effectiveness and trust in the police by district and gender (2012 and 2014)

\* Corrected for gender differences and differences by ethnic group



5.4 Community survey 2014: If someone committed a crime against you, would you go to the police

	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
None	51%	31%	18%	72%	35%	44%	39%
One person	17%	23%	11%	18%	27%	33%	26%
A few people (2-5 people)	26%	43%	50%	6%	18%	17%	16%
More than 5 people	6%	2%	21%	3%	20%	7%	19%

5.5 Community survey 2014: How many people do you know went to the police in the last year

	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Strongly disagree	5%	6%	51%	29%	15%	17%	5%
Disagree	10%	24%	30%	43%	37%	24%	19%
Neither agree nor disagree	32%	39%	13%	20%	26%	48%	56%
Agree	49%	31%	7%	3%	20%	9%	18%
Strongly agree	4%	1%		5%	2%	2%	1%

5.6 2014 Community Survey: Can a woman in your community get a job with the police

	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
No	20%	25%	25%	19%	8%	4%	8%
Yes, because of corruption	30%	18%	18%	12%	37%	20%	54%
Yes, because of travel costs	14%	9%	9%	20%	21%	30%	12%
Yes, because of court fees [ non-corruption]	13%	20%	20%	5%	12%	17%	19%
Yes, Because of bribes	18%	1%	1%	21%	14%	17%	8%
Yes because I can't afford to take time from my job	6%	26%	26%	24%	7%	12%	

5.7 Is it too expensive for you to take a dispute to the courts, if so, why.

	N	Mean 3 years ago	Mean 2014	Difference	Significance
Rate your feelings about ability of formal courts to not be influenced by powerful individuals	889	0.96	0.95	-0.01	
Rate your feelings about ability of formal courts officials will not take bribes	885	0.70	0.79	0.09	***
Rate your feelings about trust in formal courts to satisfactorily solve a case that you have filed	889	0.89	1.02	0.13	***
Rate your feelings about ability of formal courts treat all ethnic groups fairly	873	1.09	1.23	0.14	***
Rate your feelings about ability of women to access to the formal courts	882	1.09	0.67	-0.42	***
Rate your feelings about ability of formal courts officials and prosecutors to have the necessary skills to conduct thier tasks	871	1.16	1.38	0.22	***
Total*	809	4.84	5.41	0.57	***

5.8 Table 4: Perception about courts (now and three years ago)

\* Excluding questions 3.24e and 3.25e on the role of women in courts. Significance levels: \*=10%; \*\*=5%; \*\*\*=1%

**Conclusions:**

1. All changes are significant, except for the first variable, where there is hardly a change.
2. Most changes are positive, except for the ability of women to access the formal courts.

	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Men	36%	15%	40%	3%	24%	49%	3%
Women	9%	2%	%	3%	3%	1%	17%
Equal chance	30%	33%	48%	79%	41%	25%	58%
Don't know	25%	50%	12%	15%	32%	25%	22%

5.9 Community survey 2014: Do you think men or women are more likely to win a case in the shura in your district

	Kunduz Centre	Khan Abad	Ali Abad	Char-Dara	Dashti Archi	Qala-e-Zal	Imam Sahib
Strongly agree	4%	3%	2%	32%	9%	13%	9%
Agree	32%	40%	53%	33%	59%	56%	25%
Neither agree or disagree	53%	52%	31%	32%	20%	21%	45%
Disagree	10%	5%	11%	3%	10%	6%	18%
Strongly disagree	1%	0%	2%	0%	2%	5%	2%

5.10 Community survey 2014: Do you think that members of the shura are more likely to favour people from their own ethnic group or tribe

