

Afghanistan Public Policy Research Organization



Return Migration and Fundamental Rights in Afghanistan: Perceptions and Practices

June 2018

Research Report

موسسه مطالعات عامه
افغانستان

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About This Paper

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About ARM

The human rights gains made over the past 15 years in Afghanistan are increasingly under threat with a resurgence of violence and declining economic growth in the country. Moreover, there remain significant knowledge gaps in what is known about the types, underlying causes, and extent of human rights abuse as well as the pace and direction of implementing human rights in the country. The Afghanistan Rights Monitor (ARM) was designed to address these gaps as well as enable knowledge gained about the human rights situation in the country to inform action in the area of policy development, implementation and advocacy. The project has the following objectives:

1. Regular monitoring of the current conditions of fundamental rights in Afghanistan using a set of indicators based on internationally recognized standards for monitoring Civic, Social and Economic rights.
2. Informed, pragmatic, and constructive advocacy messaging on fundamental rights needs, based on empirical data, and delivered by civil society actors.
3. Increased capacity and responsiveness of public institutions to fundamental rights needs of Afghan citizens.

For more information on ARM, see: www.nac-pp.net

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Contact: mail@appro.org.af

Researchers

The researchers who worked on this report were (in alphabetical order): Enayat Bashardost, Samad Ebrahimi, Lucile Martin, Mahmood Omar, Saeed Parto, Marzia Rahmani, Zarghona Saify, Lema Sakhizai, and Ahmadullah Ziar.

Lucile Martin authored this report.

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Table of Contents

Introduction	4
Return Migration and Transfers of Norms	5
Objectives, Methodology and Scope.....	7
Experiences of Return Migration in Afghanistan.....	11
Experiences of Emigration.....	12
Conditions of Return	14
Confrontation of Norms	15
Perceptions and Practices of Rights	17
Perceptions and Practice of Rights – Non-migrants.....	19
Civic Rights.....	19
Social Rights.....	20
Economic Rights.....	20
Women’s Rights and Gender Roles	20
Perceptions and Practice of Rights – Returnees from Iran	23
Civic Rights.....	24
Social Rights.....	25
Economic Rights.....	26
Women’s Rights and Gender Roles	26
Perceptions and Practices of Rights – Returnees from Pakistan.....	28
Civic Rights.....	29
Social Rights.....	30
Economic Rights.....	31
Women’s Rights and Gender Roles	31
Conclusion and Implications.....	32
Appendix 1: Key Informant Interview Questions	35
Appendix 2: Focus Group Discussion Guiding Questions.....	37
Appendix 3: Interview Codes.....	39
Appendix 4: “Being a minority”: the case of Hazara migrants.....	40

Introduction

Following 2001, the arrival of international development actors in Afghanistan and the opening up of the media contributed to a sudden exposure to a variety and multiplicity of foreign references, practices, and discourses generating new behavioral norms. This was notably prominent – and occasionally contested – concerning gendered norms as Afghanistan was subjected to systemic and systematic efforts to address the eviction of women from the public space, institutionalized under the Mujahedeen during 1991-1996 and the Taliban during 1996-2001.

The coexistence of, and often competition between, various moral orders associated with human rights in Afghanistan have been highlighted in a number of studies.¹ This includes perceived and actual contradictions between international human rights and legislation, Islamic values, customary law, and often heterogeneous “traditional” values. Deeply held values on gender relations, notably, have been at the heart of this debate, particularly as they relate to notions of honor and national identity.² Underpinning the debates on identity has been the return of millions of Afghans from exile, the vast majority from Iran and Pakistan.³

As one of the countries with the highest number of refugees abroad since the 1980s, Afghanistan witnessed an incremental number of returns in the aftermath of the fall of the Taliban and the establishment of the transitional government in 2002. In that year alone, an estimated 2.3 million Afghans returned to their home country from exile.⁴ Over six million are estimated to have come back since, primarily from Pakistan and Iran which collectively host 95 percent of the Afghan refugee population worldwide.⁵ In 2016, Afghanistan remained the country with the highest number of returnees, with 300,451 documented refugees having returned to Afghanistan by end of October 2016, made up of 298,153 returnees from Pakistan, and 2,151 from Iran according to UNHCR statistics.⁶

¹ See for instance BILLAUD J. (2015), *Kabul Carnival. Gender Politics in Postwar Afghanistan* (Philadelphia: university of Pennsylvania Press); and HOLLAND D, MARTIN L, and PARTO S. (2016), “Rights in Afghanistan: ‘Human’ or ‘Fundamental’?”, Afghanistan Public Policy Research Organization (APPRO), Kabul, available from: <http://appro.org.af/rights-in-afghanistan-human-or-fundamental/>

² The baseline of ARM and a first case study on “The Concepts of Human and Fundamental Rights in Afghanistan” noted suspicion among respondents from various backgrounds about the concept of “human rights.” One observation was that the pre-eminence of the issue of women’s rights on the agenda of development actors in Afghanistan had resulted in many people viewing human rights as synonymous with women’s rights and often perceived as foreign impositions. See Holland, D., L. Martin, and S. Parto (2016), “Rights in Afghanistan: ‘Human’ or ‘Fundamental’?”, Afghanistan Public Policy Research Organization (APPRO), Kabul, available from: <http://appro.org.af/rights-in-afghanistan-human-or-fundamental/>

³ The Afghan Ministry of Refugees and Repatriation estimate the number of returnees from Iran and Pakistan since 2001 to over 6 million: <http://morr.gov.af/en>. This is considered as an underestimate of the total number of returnees, however, and there are ongoing debates over statistics of return migration in Afghanistan. Cf. SIGAR 2016), “Afghan Refugees and Returnees”, available at: <https://www.sigar.mil/pdf/audits/SIGAR-15-83-AR.pdf>

⁴ See: <https://www.hrw.org/report/2013/11/20/unwelcome-guests/irans-violation-afghan-refugee-and-migrant-rights>

⁵ See: <http://www.unhcr.org/542522922.pdf>

⁶ UNHCR (2016), Afghan Assisted Return Weekly Comparison of 2015/2016. The Afghan Ministry of Refugees and Repatriation estimate the number of returnees from Iran and Pakistan since 2001 to over 6 million: <http://morr.gov.af/en>. This is considered as an underestimate of the total number of returnees, however, and

These returnees, many of them born abroad, came back with habits, attitudes, references, and experiences different from those traditionally prevalent in Afghanistan, contributing to a *de facto* process of re-definition of the identity of returnees as Afghans. Those who had remained in Afghanistan throughout the Jihad against the Soviet occupation, Mujahedeen rule, civil war and Taliban occupation acclimatized to temporary peace and lifting of bans and restrictions on clothing, media, cultural practices, and (for women especially) access to the public space.

The conditions and consequences of International (and primarily Western) development interventions have generated a significant amount of work. However, the extent to which migration-induced transfers from neighboring countries with long cultural, economic and political ties with Afghanistan affect social norms, but also perceptions and practice of rights and development concepts, has received little attention. In a context like Afghanistan, where the implementation of “human rights” and constitutional provisions on rights are sometimes perceived as undermining customary and religious social norms, the current study aims at understanding how the effect of transfer of social and gender norms by return migrants may affect in return perception of rights in relation to social institutions.

Return Migration and Transfers of Norms

Interest in the relationship between return migration and transfer of norms has gathered momentum in development research over the past decade, primarily through the work of economists and sociologists. In 2009 the economist Antonio Spilimbergo examined the role of foreign educated individuals in fostering democracy in their country of origin.⁷ In the following years a growing strand of literature focused on the effect of migration on transfer of institutional, political and social norms from host countries. This includes work on return migration-induced transfer of political norms and governance institutions, and the role of migration in the modification of fertility choices.⁸ The ‘transfer of norms’ literature notably highlights the role of migration as a powerful driver of institutional, socioeconomic and political changes in migrants’ countries of origin.

While gender and migration studies have witnessed significant development since the 1980s, attention to the effects of return migration on gender norms is more recent. With the increasing focus on the links between development and gender equality over the past decade the effects of migration on gender roles and institutions have attracted the interest of development researchers and academics.⁹ This literature suggests that migration could act as a powerful channel of transfer of gender narratives and behaviors witnessed and acquired during the migrants’ stays abroad. Examining outcomes of migration

there are ongoing debates over statistics of return migration in Afghanistan. Cf. SIGAR (2016), “Afghan Refugees and Returnees”, available at: <https://www.sigar.mil/pdf/audits/SIGAR-15-83-AR.pdf>

⁷ Spilimbergo, A. (2009) “Democracy and foreign education.” *American Economic Review*, pp. 528–543.

⁸ On transfer of political norms, see for instance: Batista, C and P.V. Vincente (2011) “Do migrants improve governance at home? Evidence from a voting experiment.” *The World Bank Economic Review*, 25(1): 77–104; Chauvet, L. and M. Mercier (2014), “Do return migrants transfer political norms to their origin country? Evidence from Mali.” *Journal of Comparative Economics*, 42(3): 630–651. On the role of migration on fertility choices, see: Beine, M., F. Docquier, and M. Schiff (2013) “International Migration, Transfers of Norms and Home Country Fertility.” *Canadian Journal of Economics*, 46(4): 1406–1430; Bertoli, S. and F. Marchetta (2015). “Bringing it all back home: Return migration and fertility choices.” *World Development*, 65: 27–40.

⁹ FERRANT G. and TUCCIO M. (2015), “South-South Migration and Discrimination Against Women in Social Institutions: A Two-Way Relationship.” *World Development* Vol. 72, pp. 240-254.

on gender-based discriminatory social institutions at home, researchers highlight exposure to alternative normative environments, as well as attempts to respond to expectations of identity and behavior, contribute to raising awareness about the contextual and relational nature of gender norms.¹⁰ New sets of norms and gendered behaviors acquired abroad may be passed on within the family and community at large upon return, and contribute to changing social norms and discriminatory institutions that shape gender relations at home.¹¹ Focusing on the return phase of migration of female labor migrants from the Philippines, Sri Tharan (2009), for instance, points to the experience of migration leading to changes at the individual, family and social level upon return, redefining women's sense of identity, family relations, and gender relations in Filipino society at large.¹² Studying male return migration from conservative Arab countries in Jordan and its effects on the role of women, female mobility and decision making power, Tuccio and Wahba (2015) show that women with a returnee family member were more likely to have internalized discriminatory gender norms than women in households with no migration experience.¹³

In a comparative analysis of Afghan women and men's experiences during displacement in Iran, Pakistan, the U.K. and the U.S., Rostami-Povey (2007) shows how life in exile and experience of return after the fall of the Taliban have affected perceptions of gender roles. She notably highlights that, though Afghan women in Iran and Pakistan have relatively less access to resources than Afghan women in the U.K. and the U.S., they are able to break free from masculine domination and patriarchal traditions more effectively – primarily because they do not have to struggle with the same issues surrounding their Muslim identity in a predominantly Islamic cultural context.¹⁴ Working on Hazara communities in Kabul, Kabeer et al. (2011) also show exposure of Afghan migrant families to an Islamic policy context in Iran, in which women were granted greater rights than in Afghanistan, influenced men and women's perceptions on issues including female education and employment, marriage practices and domestic violence.¹⁵ Overall, however, little attention was paid to the effects of return migration on changes in normative social institutions in Afghan society. This is notably the case concerning the relationship between exposure to alternative social norms and access to – or denial of – rights during migration on the one hand, and changes in perceptions of rights induced by return migration on the other.¹⁶

¹⁰ DONATO, K et al. (2006) *Gender and Migration Revisited – A Glass Half Full?*, *International Migration Review* 40(1): 3-26; and SRI THARAN C. T. (2009), "Gender, Migration and Social Change, The Return of Filipino Women Migrant Workers", DPhil Thesis, University of Sussex; FERRANT Gaelle and TUCCIO Michele (2015), "South-South Migration and Discrimination Against Women in Social Institutions: A Two-Way Relationship." *World Development* Vol. 72, pp. 240-254.

¹¹ TUCCIO M, and WAHBA J. (2015) *ibid*.

¹² SRI THARAN C. T. (2009), "Gender, Migration and Social Change, The Return of Filipino Women Migrant Workers", DPhil Thesis, University of Sussex

¹³ TUCCIO M, and WAHBA J. (2015) *ibid*

¹⁴ ROSTAMI-POVEY Elaheh (2007), "Afghan Refugees in Iran, Pakistan, the U.K. and the U.S. and Life After Return: A Comparative Gender Analysis." *Iranian Studies*, Vol. 40, No. 2, pp 241-261.

¹⁵ KABEER N, KHAN A., and ADLPAVAR N. (2011), "Afghan Values or Women's Rights? Gendered Narratives about continuity and Change in Urban Afghanistan." IDS Working Paper 2011/387.

¹⁶ Migration from Afghanistan and the situation of Afghans in countries of destination received considerable attention from scholars and applied researchers over the past two decades. The theme of return and homecoming in Afghanistan, however, was primarily studied from a development and sustainability perspective, considering the effects and conditions of return migration on the one hand, and from a political perspective in the framework of politics of return and repatriation of migrants from host countries. See for instance MARCHAND K. et al (2014), "Afghanistan Migration Profile." International Organization for Migration; VAN HOUTE M., SIEGEL M. AND DAVIS T, "Return to Afghanistan: Migration as Reinforcement of Socio-Economic

Objectives, Methodology and Scope

This research examines how experiences and cultural transfers of Afghan returnees from Iran and Pakistan affect their perception of and mobilization for fundamental rights, with a specific a focus on gender roles and discriminatory social institutions in relation to these rights. Social institutions are here defined as value-based habits, norms, and customs that structure family and social relations.

The research was carried out to:

1. Identify the variables that affect perceptions of rights, specifically women’s rights, of Afghan migrants in Iran and Pakistan
2. Establish the extent to which return migration affects perceptions and practices of rights in the Afghan context.

A review and analysis of literature was used to establish the relationship between transfer of norms and return migration and identify the key variables that affect the perception of rights and transfer of norms by return migrants from Iran and Pakistan. The variables were used to develop guiding questions for interviews with key six key informants and 14 focus group discussions. Basic quantitative data was collected on interviewees’ migratory and socioeconomic profile.

Key informants were interviewed in Kabul, drawn from Government institutions, Civil Society, and academia.¹⁷ Focus group discussions were held in Kabul, Herat, and Jalalabad.¹⁸ A total of 14 focus group discussions, totaling 138 individuals, were held with returnees from Iran, returnees from Pakistan and Afghans who never migrated. The male/female ratios of interviewees and focus group participants are 1/1 and 70/68, respectively (Table 1).

The choice of the sites for this research was based on two considerations. First, upon return most returnees choose to settle in urban areas where there is better access to basic social services and employment.¹⁹ Second, as places as places where multiple cultural spaces meet, urban areas are more likely to serve as centers for transfer of norms. As such, this research did not examine the perceptions of the many returnees who have settled in peri-urban and rural areas upon return, or their interactions with their host communities.

Table 1: Breakdown of Focus Groups and Key Informants

Type of Interview	Kabul	Herat	Jalalabad
FGD Male Non-Migrant	1	1	1
FGD Female Non-Migrant	1	1	1
FGD Male Returnee from Iran	1	1	0
FGD Female Returnee from Iran	1	1	0
FGD Male Returnee from Pakistan	1	0	1

Stratification.” *Population, Space and Place*, available at:

www.merit.unu.edu/publications/uploads/1411742701.pdf; DE BREE J. (2008), “ Return Migration to Afghanistan. Monitoring the Embeddedness of Afghan Returnees”, CIDIN/ Radboud University Nijmegen, AMIDSt/ University of Amsterdam, the Netherlands.

¹⁷ See Appendix 1 for the interview questions

¹⁸ See Appendix 2 for focus group discussion guiding questions.

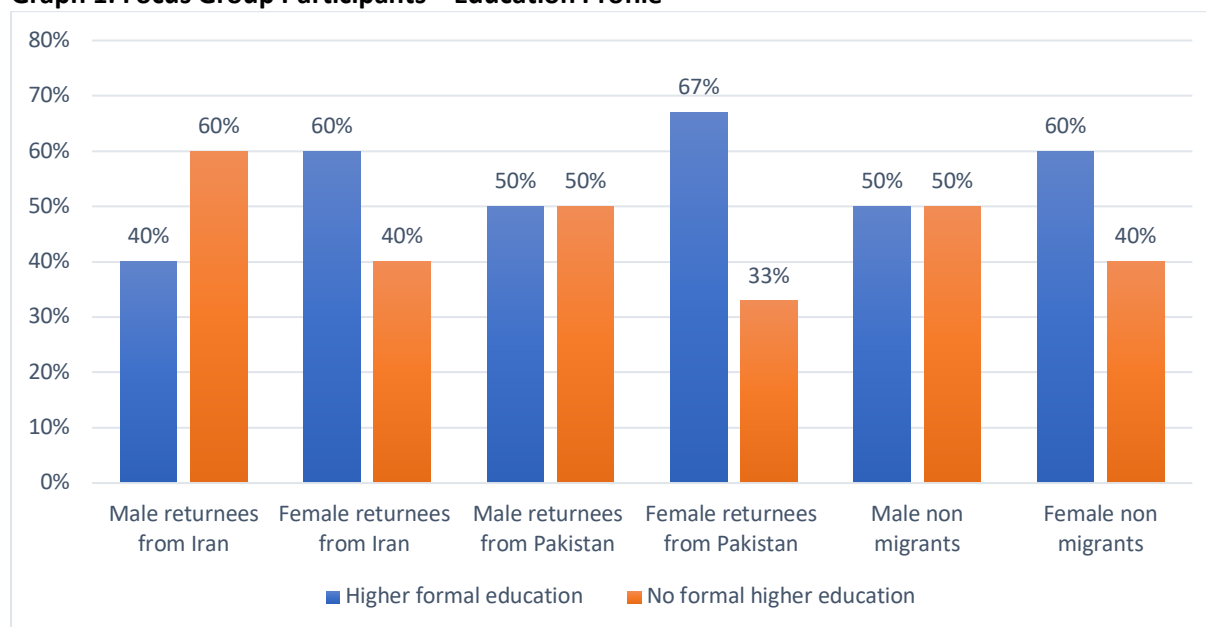
¹⁹ KUSCHMINDER K., MAJIDI N. AND MARCHAND K. (2014) “Afghanistan Return and Circular Migration. Annex to Afghanistan Migration Profile.” International Organization for Migration.

FGD Female Returnee from Pakistan	1	0	1
Key Informant Interviews (3 Males, 3 Females)	6	0	0
Total	6 FGDs / 6 KIIs	4 FGDs	4 FGDs

The research focuses on return migrants who have lived a minimum of 10 years in their country of destination, and have been back in Afghanistan for at least five years. This is to ensure that the duration of stay abroad allowed exposure to social norms in the country of destination, and to allow for a sufficient period for transfer of norms after return. In order to limit interference of variables including exposure to alternative sets of norms in urban areas prior to 1978/79, this research focuses on individuals born in the 1970s and after. It therefore deals with returnees who emigrated, or whose families emigrated, between the communist takeover by the People’s Democratic Party of Afghanistan (PDPA) in 1978 and the first years of the Taliban regime in the 1990s, and who returned to Afghanistan in the first decade of the post-Taliban era starting in late 2001.

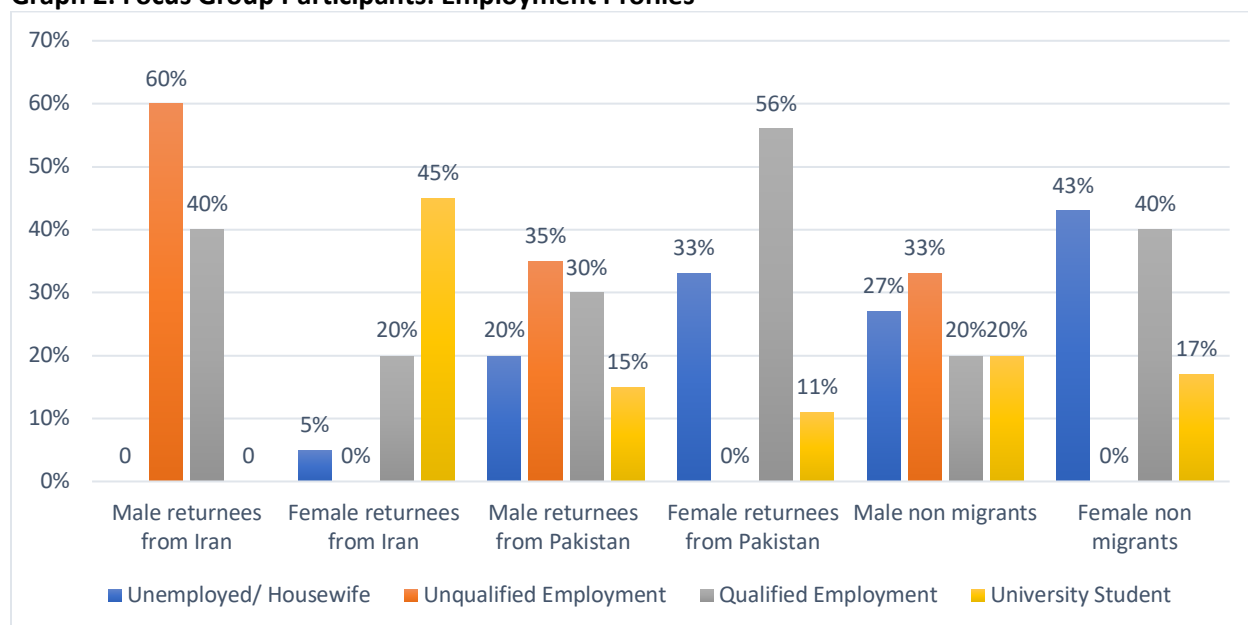
Additional considerations included the male/female ratio of the participants, level of formal education, duration of stay abroad, date of return, family status during migration and return, reasons for migration and return, migrating with or without family, motivations to return, occupation upon return and, for migrants to Iran, whether registered or unregistered by the Iranian authorities. Graphs 1 and 2 below provide an overview of education and employment profiles of focus group participants.

Graph 1: Focus Group Participants – Education Profile



n=138

Graph 2: Focus Group Participants: Employment Profiles



n=138

Given the diversity in profiles and to allow comparison of similar variables, the experience of registered urban migrants in Iran, and those who had settled in major urban centers in Pakistan were isolated during the analysis from the insights of migrants who were illegally settled in Iran and those who were in camps in Pakistan. The focus was placed on the former, given their relatively higher exposure to alternative social norms and institutions in urban areas of their country of destination.

Respondents from all three categories were engaged on their perceptions of rights and gender norms, and their effective practice in the social context of Afghanistan.²⁰ Key questions on rights perceptions included what respondents considered as the basic rights and duties of a citizen. Return migrants were also asked if and how these perceptions had changed with their experience of migration. Gender norms and practices were assessed looking at perceived rights and duties of men and women within and outside of the household, and at different stages of life (before and after marriage). Given the high sensitivity surrounding the question of women’s mobility and work and its relation to the question of honor in Afghanistan, additional questions were asked on perceptions of working women. Finally, respondents were asked about the effective practice of these rights in their own environments, and preferred forms of mobilization for the defense and promotion of fundamental and women’s rights.

Non-migrants were interviewed as a control group to assess the extent to which differential perceptions of norms between each group were linked to the experience of migration and return on the one hand, and that of social transformations within Afghan urban communities on the other.

The classification of fundamental rights under the three pillars of civic, social and economic rights derive from the framework adopted as part of Afghanistan Rights Monitor.²¹ Working definitions are as follows:

²⁰ Gender is considered as a social construct that organizes the relationships of men and women. Gender roles therefore refer to socially constructed roles that men and women are expected to fulfil.

²¹ See: <http://appro.org.af/publication/afghanistan-rights-monitor-baseline-assessment/>

Civic Rights: The pillar on Civic Rights focuses on civil and political rights as they relate to the opportunity conferred to people to contribute to the determination of laws, participate in politics, and enjoy rights to life, freedom from torture, fair trials, and liberty and security.²²

Social Rights: The pillar on Social Rights focuses on rights as they relate to physical wellbeing and cultural rights including the rights to the enjoyment of the highest attainable standard of physical and mental health, adequate housing, education, marriage, and maintenance and promotion of sub-national affiliations and collective identities.²³

Economic Rights: The pillar on Economic Rights is defined based on definitions of UDHR, ICESCR, and ILO's Fundamental Principles and focuses on rights to decent and productive work, safe and secure working conditions, protection from child labor, protection against discrimination, and social security.²⁴

²² The working definition of Civic Rights is based on the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Other Protocols and documents ratified by the Government of Afghanistan were also used in the development of indicators, including the Convention against Torture and Other Cruel, Inhuman or Degrading Punishments, and protocols of the Geneva Convention as they relate to protection of rights in situations of armed conflict. Other rights included in the ICCPR related to labor, education and health, and freedom of thought, conscience and religion, have been included in the other two pillars on Social and Economic rights.

²³ The working definition of Social Rights is primarily based on the UDHR, and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Other relevant documents used for the development of specific areas and indicators include the International Convention On The Elimination Of All Forms Of Discrimination, the Convention On The Elimination Of All Forms Of Discrimination Against Women, the Convention on the Rights of the Child, all ratified by the Afghan Government, as well as the [Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights](#) 1987 and the [Maastricht Guidelines on Violations of Economic, Social and Cultural Rights](#) 1997.

²⁴ The minimal attention paid to these rights in Afghanistan is the rationale for their inclusion in a pillar separate from that of Social and Cultural rights.

Experiences of Return Migration in Afghanistan

A number of variables may influence the effect of migration on the direction of transfer of values and norms. These include motivations for migration, who individuals migrate with (alone or as a family), the environment in which they settle during migration, the extent and conditions of access to rights in their country of destination, the degree of exposure to the host society, and the extent of access to social networks and media in the country of destination. For instance, exposure to new norms through migration may, depending on the host context of the destination country and the degree of acceptance of and by the host community, result in asserting and re-constructing social norms of the country of origin, or conversely, in the adoption of alternative norms of the host context.²⁵

Upon return, additional factors may affect the extent to which acquired values and practices are transferred to the country of origin. Among these are motivations for return, the context of return and settlement in the country of origin, the degree to which the migrants maintain links with their former country of destination, their social networks in the country of origin and the degree of acceptance of imported norms and values within these networks. The extent and degree of transfer of norms may also depend on the number, gender and status of migrant members in a given family or community.

The experience of return is therefore central in understanding changes in returnee migrants' perceptions of rights and the possible transfer of norms in their environment of return. Return to the homeland usually comes with changes in political, social, and economic status, and the confrontation of expectations prior to return with the realities of Afghan society. The experience of migration abroad, the environment in which the migrants live while abroad, and the conditions under which they experience migration affect return migrants' perceptions and practices after coming to Afghanistan. When most returnees from Iran and Pakistan experienced situations abroad where they were second-class or non-status residents and *de facto* deprived of rights, return to Afghanistan prompts questions of identity, citizenship, and entitlement to fundamental rights as an Afghan citizen. These experiences are both one of exposure to different practices and norms, particularly for those who were born and raised abroad, and a mirror against which they compare the current situation of access to basic rights in Afghanistan.²⁶

Drawing on findings from interviews with migrants who returned from Iran and Pakistan, this section examines how the socio-economic and legal context in which migrants lived while abroad, including the degree and conditions of exposure to their host society; the conditions of homecoming/ return to Afghanistan; and the occasional confrontation of norms induced by return affected their perceptions of rights entitlement and gender norms.

²⁵ On the transfer of gender norms, see HARPER C and MARCUS R. (2014), "Gender Justice and Social Norms. Processes of Change for Adolescent Girls", Overseas Development Agency (ODI). Available at: <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8831.pdf>; and CURRAN, S. R. and SAGUY, A. C. (2001). "Migration and Cultural Change: A Role for Gender and Social Networks?" *Journal of International Women's Studies*, 2(3), 54-77

²⁶ KII-Kab-CSO-4; FGD-IR-M-Kab; FGD-IR-F-Kab; FGD-IR-F-Her; FGD-PAK-F-Kab; FGD-PAK-M-Kab; FGD-PAK-F-Nan.

Experiences of Emigration

In both Iran and Pakistan, access to rights and entitlements of Afghan migrants evolved based on policies of state authorities towards Afghan refugees and asylum seekers. The majority of Afghans were denied citizenship rights, social protection, social security, insurance, and full access to the labor market.

In the 1980s in Iran, most Afghans were given residence, work permits, and were entitled to access free education, health services and food subsidies. As of the mid 1990s, however, the Iranian government hardened its attitude toward Afghan residents, who were confined to designated areas and camps, and saw their refugee subsidies withdrawn.²⁷ In 2004, Iranian officials promulgated regulations to introduce mandatory fees for access to education of all Afghan children, healthcare, and additional registration costs with the Bureau for Foreign and Alien Immigrants' Affairs (BAFIA).²⁸

In Pakistan, Afghans refugees were welcomed during the civil war, when the Pakistani government supported fighters against the Soviets in Afghanistan. As of 1988 and throughout the 1990's, Pakistani government began to restrict Afghan's liberty of movement, and Pakistani authorities' attitude toward Afghan migrants hardened drastically in 2000 as the influx of refugees from Afghanistan increased. Urban refugees were harassed and pressured to leave, and assistance to those in camps was limited.²⁹

A recurrent statement by return migrants from both Iran and Pakistan is the feeling of estrangement [*bigânegi*] in the host country prior to return. In both countries, return migrants explained facing discrimination in access to fundamental rights and ill treatment by authorities.³⁰

Afghans in Iran face multiple discriminations and are deprived of a number of fundamental rights including full access to higher education, freedom of speech, protection against abuse by government and private actors, and access to immovable property.³¹ For those who complete high school and the very few who manage to secure a university degree, official restrictions on employing Afghans, regardless of qualifications, result in minimal or no opportunity to secure jobs in line with their qualifications and expectations. Deprivation of basic rights is even more severe for unregistered migrants, who essentially have no social, economic or civic rights.³²

In Pakistan, the situation of migrants differs depending on the conditions of migration and location of settlement. Generally, those who migrate to large urban centers have better access to quality education and services than those in camps, dependent and having to rely on external assistance from development organizations and agencies, or local partisan initiatives.³³ Those migrants that settle in more conservative communities of Pakistan such as those in Quetta and Peshawar are reportedly subjected to more restrictions on women's movements and presence in public spaces than Islamabad.³⁴

²⁷ ROSTAMI-POVEY Elaheh (2007), "Afghan Refugees in Iran, Pakistan, the U.K. and the U.S. and Life After Return: A Comparative Gender Analysis." *Iranian Studies*, Vol. 40, No. 2, pp 241-261.

²⁸ <http://www.unhcr.org/refworld/pdfid/4846b2062.pdf>

²⁹ USCR (2001) "Afghan Refugees Shunned and Scorned"

³⁰ FGD-PAK-F-Kab; FGD-PAK-M-Kab; FGD-PAK-F-Nan; FGD-PAK-M-Nan; FGD-IR-M-Kab; FGD-IR-F-Kab; FGD-IR-M-Her; FGD-IR-F-Her.

³¹ FGD-IR-M-Kab; FGD-IR-F-Kab; FGD-IR-M-Her; FGD-IR-F-Her. See also

<https://www.hrw.org/report/2013/11/20/unwelcome-guests/irans-violation-afghan-refugee-and-migrant-rights>

³² FGD-IR-M-Kab; FGD-IR-M-Her

³³ FGD-NR-M-Kab; KII-Kab-Gov-1; KII-Kab-CSO-2

³⁴ FGD-NR-M-Kab; FGD-PAK-F-Kab; KII-Kab-Gov-1; KII-Kab-CSO-2

Those who have access to education and live in cities like Islamabad get a better understanding of rights. Even if as migrants they did not necessarily have access to those rights they could witness them among Pakistanis. But if they lived in Peshawar or other conservative areas, it was different.³⁵

There are major differences also in terms of access to basic services. For example:

We lived on the border and had access to nothing unless we gave money. If we were sick and had no money we could not get cured, despite the fact that there were free health services available in Pakistan.³⁶

Despite the variety of situations and experiences, most returnees from Pakistan interviewed recall regular harassment and abuse by the police, institutionalized administrative corruption and the need to resort to bribes for access to services, and unequal access to health facilities as compared to Pakistani nationals.³⁷

That said, the experience of migration is also described as having offered a number of opportunities as compared to life in the insecure and politically volatile environment of Afghanistan. Despite the lack of access to many basic rights, exposure to alternative social norms and practices in a stable security environment are perceived as essential in shaping perceptions.³⁸ Urban life and higher quality of services and public facilities in both Iran and Pakistan reportedly influenced and shaped perceptions of entitlement to rights. Migration to urban centers revealed new possibilities in terms access to services for the many who had migrated from rural areas of Afghanistan, and is mentioned as a factor of greater awareness and exposure to different norms.³⁹

For both groups of migrants, access to quality education is mentioned as one of the most significant opportunities offered by migration, with higher instances of mention of its availability for children of both sexes by return migrants from Iran.⁴⁰ In Pakistan, and despite the higher heterogeneity of migrant profiles based on the context of migration settlement, migrants had access to madrassas, schools and universities, including those created for Afghans at the initiative of exile political parties.⁴¹ Girls' access to school in Pakistan, however, was described as more limited in camps and in traditional areas and neighborhoods.⁴²

The Islamic context in Iran and Pakistan serves as an additional factor of legitimacy for transferring specific practices of rights back home. This is particularly the case concerning women's access to public

³⁵ FGD-PAK-M-Kab

³⁶ FGD-PAK-M-Kab

³⁷ FGD-PAK-F-Nan, FGD-PAK-M-Nan; FGD-PAK-F-Kab; FGD-PAK-M-Kab.

³⁸ FGD-PAK-M-Kab ; FGD-IR-M-Kab; KII-Kab-CSO-2

³⁹ KII-Kab-CSO-2; FGD-PAK-M-Kab; FGD-IR-M-Kab; FGD-IR-F-Her; FGD-IR-M-Her

⁴⁰ At the period of migration this study is concerned with [prior to 2005], restrictions to access to education for Afghan children by the Iranian government were not as severe as they became later, and children of Afghan refugees generally had access to the same schools as Iranian children until grade 12. In 2004, Iranian officials promulgated regulations to introduce mandatory fees for access to education of all Afghan children, healthcare, and additional registration costs with the Bureau for Foreign and Alien Immigrants' Affairs (BAFIA). See <http://www.unhcr.org/refworld/pdfid/4846b2062.pdf>

⁴¹ KII-Kab-Gov-2

⁴² FGD-NR-M-Kab, KII-Kab-Gov-1

spaces and roles, as well as family rights and norms.⁴³ A recurrent statement by male and female migrants from Iran is their observation of women's presence in the public space in urban environments, their access to education, relative freedom of mobility, and access to a variety of work sectors.⁴⁴ In Pakistan, experiences varied depending on the location of exile, with those living in urban centers being more exposed to women's presence in the public space and having access to education.⁴⁵

Conditions of Return

For many of those who had left, or whose families had left, Afghanistan and lived abroad for several years, coming to Afghanistan in the post-Taliban era often meant coming to an environment where access to basic rights had been broken down by years of conflict and restrictions, and with which they had little familiarity. Those who were born abroad or had migrated at a very young age expressed the need to accustom to a new society with different practices, habits and norms.⁴⁶ Conditions of return varied, ranging from illegal migrants expelled by state authorities to those who came to pursue higher education or look for adequate work opportunities, and those who hoped to settle back in their own country in a secure environment. Having lived discriminations in their country of exile as second-rank residents, most of those interviewed, regardless of the country they returned from, expressed a feeling of 'coming home' in a place where they were entitled to full rights as Afghan citizens.

For migrants of age coming from Iran to Afghanistan, 'coming back' was often the result of a complex decision-making process. With the exception of migrants who were forcibly expelled, 'return' usually involved debates within the family, weighing pros and cons of staying in exile and returning, inquiring about the situation in Afghanistan through networks of relatives and friends, sometimes making exploratory trips to Afghanistan to assess the situation and prepare. Those who returned from Pakistan during the 2001-2009 period saw no further opportunities in their country of exile, and hoped for a better future in what they perceived as free and relatively normalized Afghanistan after the fall of the Taliban in 2001.

Retrospectively reflecting on their experience, most returnees believe that their experience of migration in a relatively more developed and stable country than Afghanistan gave them expectations on availability of basic services and rights, though most had not had full access to these entitlements while abroad. As Afghan citizens, they expected both availability of and access to fundamental rights and services in their home country.

Regardless of whether or not they had lived in Afghanistan prior to exile, most of the migrant interviewees expressed a feeling of 'coming home'.⁴⁷ In light of discriminations faced in their destination country, the question of citizenship was central in the interviews and clearly associated with entitlement to specific rights as citizens. Lack of access to higher education, merit-based employment, and daily discrimination and harassment were often explicitly mentioned as a determining factor for return.

⁴³ FGD-PAK-F-Nan, FGD-PAK-M-Nan; FGD-PAK-F-Kab; FGD-PAK-M-Kab; FGD-IR-F-Her, FGD-IR-M-Her; FGD-IR-F-Kab; FGD-IR-M-Kab

⁴⁴ FGD-IR-M-Kab; FGD-IR-F-Kab; FGD-IR-F-Her; FGD-IR-M-Her

⁴⁵ KII-Kab-CSO-2, KII-Kab-Gov-2, FGD-PAK-M-Kab.

⁴⁶ KII-Kab-CSO-4, KII-Kab-CSO-2, FGD-IR-F-Kab, FGD-IR-M-Kab; FGD-PAK-F-Kab; FGD-PAK-F-Kab, FGD-PAK-M-Kab

⁴⁷ FGD-PAK-M-Kab; FGD-PAK-F-KAB; FGD-PAK-M-Nan FGD-PAK-F-Nan; FGD-IR-M-Kab; FGD-IR-F-Kab; FGD-IR-M-Her; FGD-IR-F-Her; KII-Kab-CSO-4.

In Iran, while I was studying I was thinking ‘I will finish my studies and then what? Can I find work in accordance with my qualifications?’ there is a list of categories of work Afghans are allowed to do, all of them unskilled and hard work. I knew beforehand that I had to return to Afghanistan to work. [...] Aside from access to work, access to fundamental rights itself was a reason for return. My rights were not respected in Iran and I thought the situation could only be better in Afghanistan. At first when I returned, since I had lost hope in the Iranian system because of discriminations, everything in Afghanistan looked great. I noticed the difference in sanitation and access to essential facilities, but I was in good spirit thinking ‘It’s not so bad, I have work, I am a citizen’.⁴⁸

and,

We returned because there we had no rights, people would insult us and we had no good work. When we returned our father was employed as a teacher [while he was a street vendor in Pakistan] and I started working in an NGO.⁴⁹

Coming to Afghanistan thus entailed a number of expectations in terms of rights as a citizen. Some were explicitly formulated at the time of return. For those coming from Iran, the expectation was to have the rights they had been deprived of in Iran such as the rights to higher education and merit-based employment. Another key expectation was to be free of harassment and institutional abuse.⁵⁰ Most prominent among those mentioned by return migrants from Pakistan were freedom from discrimination in access to jobs and services, and freedom from harassment.⁵¹

In retrospect, however, many of these expectations were met with disappointment once in Afghanistan, particularly concerning quality education, social rights, and functioning basic services such as health and justice. Particularly for returnees from Iran, women’s freedom of mobility, respect in public spaces, financial independence, and the institutionalized recognition of Islamic provisions on women’s choice in marriage and right to inheritance and divorce were the prominent disappointments on return.⁵²

Confrontation of Norms

The extent to which alternative practices of rights can be implemented in the Afghan context depends on the degree to which these norms are consistent with the existing norms and values, Islamic and otherwise, and attitudes. At a time when the Afghan society was undergoing incremental transformation after the fall of the Taliban regime, settlement in urban centers by the vast majority of returnees offered opportunities for continuing with values and practices acquired in Iran and Pakistan.⁵³

Alternative sets of behaviors of return migrants, however, often conflicted with norms and behaviors prevalent in post-war Afghanistan, feeding into the representations and stereotyping of returnees. Those who have not migrated often emphasize that Afghans who have spent the years of conflict outside Afghanistan can be easily identified through their behavior, dress code, and forms of interaction with fellow citizens and the officialdom.⁵⁴ Some of these behaviors are perceived as being contrary to

⁴⁸ KII-Kab-CSO-4

⁴⁹ FGD-PAK-F- Nan

⁵⁰ FGD-IR-M-Kab; FGD-IR-F-Kab; FGD-IR-M-Her; FGD-IR-F-Her; KII-Kab-CSO-4.

⁵¹ FGD-PAK-M-Kab; FGD-PAK-F-KAB; FGD-PAK-M-Nan FGD-PAK-F-Nan

⁵² FGD-IR-M-Kab; FGD-IR-F-Kab; FGD-IR-M-Her; FGD-IR-F-Her.

⁵³ KII-Kab-CSO-4

⁵⁴ FGD-NR-M-Kab; FGD-NR-F-Her; KII-Kab-CSO-1.

“traditional” practices and general codes of engagement in public. This is mostly the case concerning alternative gender norms, perceived by many as a Western import and something of a hard sell to many men who had seen very few women in public spaces for almost a decade between 1991 and 2001. As one key informant observed:

Any man can claim access to his rights in Afghanistan while a woman, even if she makes a lot of efforts cannot access her rights. Even a woman who is aware of her own rights or has witnessed women’s access to their rights in other countries while she was away, when she returns and asks for her rights [in Afghanistan] she is told ‘so now you want to start democracy here?’ Most of women’s rights are granted to them only by men. The existing values and traditions still disapprove of women having free access to their rights.⁵⁵

The attitude of return migrants from Iran toward women’s place in the public space is notably perceived by some traditionalists and others as more liberal and occasionally offensive to widely shared social norms, traditions and customs. This is particularly the case concerning women’s presence in public spaces unaccompanied by adult male relatives, including for fulfilling work and educational obligations and for leisure purposes.⁵⁶ By contrast, gendered behaviors of returnees from Pakistan were not considered as confrontational with accepted gender norms as those of returnees from Iran.⁵⁷

The tensions between imported behaviors and local norms, however, varies depending on the geographic location of the host community but also the different neighborhoods within the same geographic location, and the family environment of migrants upon return. Returnees from Pakistan who had been settled in Jalalabad, for instance, felt that access to work and education upon return, including through development programs, fostered a greater acceptance of women’s employment and access to education.⁵⁸ In contrast, returnees from Iran in Herat described numerous obstacles to their attempts in applying their conceptions of gender roles in society because of a much more conservative environment and higher social control in Herat as compared to Iran.⁵⁹ Family support for women studying and working, male relatives’ sensitivity toward choice in marriage within a household, and acceptance of women’s mobility in a given neighborhood are considered as important factors easing or impeding transfer of alternative gender norms in a generally patriarchal environment.⁶⁰

It has to be noted that transfer of norms does not necessarily occur as a direct transposition of practices observed during migration to the context of return. A returnee from Iran who settled in Kabul, for instance, explained the change in his perceptions and practices materialized after coming to Afghanistan. While in Iran, he described observing a strict code of conduct toward women and gendered division of space in accordance with the norms promoted by the Iranian state, which he abandoned upon return. He attributes this change to a combination of factors including exposure to and internalization of practices and behaviors of Iranians while abroad, rejection of practices that could identify him or his family as a returnee from Iran, and confrontation upon return with the context of Kabul where a variety of new norms, including those imported by international development actors, coexisted:

⁵⁵ FGD-NR-M-Kab

⁵⁶ KII-Kab-CSO-2; KII-Kab-Gov-2; FGD-IR-M-Kab; FGD-IR-M-Her; FGD-IR-F-Her

⁵⁷ KII-Kab-CSO-2; KII-Kab-Gov-2

⁵⁸ FGD-PAK-M-Nan; FGD-PAK-F-Nan.

⁵⁹ FGD-IR-M-Her

⁶⁰ FGD-IR-F-Kab; FGD-IR-F-Her; FGD-PAK-F-Kab; FGD-PAK-F-Nan.

My behavior changed towards women between the time I spent in Iran and now. In Iran [Qom], we were four brothers and four sisters. When someone knocked at the door, we did not allow our sisters and mother to open it because there were men in the house, who could open the door and prevent a stranger seeing the women in our house. When my sisters went out, I checked their *hijab* was on properly. If someone bothered them outside the house, we would go and fight. My sisters did not feel at ease with this ‘wear this, don’t wear that’ behavior, but this is how it was. [...] But when we returned [to Afghanistan], I told my wife not to wear a black Iranian chador because here, it is a statement: if you wear a black chador you claim an Iranian identity. And the behavior towards returnees from Iran is not good. Now I tell my wife to wear whatever she feels comfortable with. My sisters [who remained in Iran] asked me how this change happened. I think it’s a combination of being exposed to a diverse environment [in Afghanistan] and awareness. Because without awareness you are not sensitive to diversity. But, also, in Afghanistan we were more exposed to international culture than in Iran. In addition, there was this critical attitude I had learned in Iran to question everything. So, I started to think ‘why should women not have the same working rights as men?’ This was against my religious background according to which there would be a strict division of tasks between men and women, so it made me doubt and gave me all the more reason to be more curious and question this background.⁶¹

Those who had been educated in Iran or Pakistan were also advantaged because of their level of education as compared with those who had remained in Afghanistan where the education system had been significantly damaged through years of war and neglect.⁶² For those who secured employment because of their academic qualifications in Kabul in the post-2001 development boom which had drawn a variety of international companies and NGOs to the country, return to Afghanistan also meant direct interactions with westerners and exposure to new vocabulary, alternative behavior protocols, discourses, norms and values.⁶³

Perceptions and Practices of Rights

In the years 1991-2001, experiences of migration and exposure to another Islamic society with alternative norms, behaviors and access to rights affected male and female migrants’ perceptions of rights. During the same period, the experience by those who remained in Afghanistan was shaped by years of conflict and imposition of severe rules and social norms by ultra conservatives in power, mostly focused on creating distances between men and women and redefining the place of women in society.

Warlordism during the civil war, arbitrary rulings and violence of the Mujahedeen and the Taliban rulers instilled defiance and fear of the administration and officialdom among regular citizens. Conflicts, associated with reports of women being raped and the destruction of education and health infrastructures in which women were employed, resulted in the confinement of women to home and the deprivation of access to basic services for most citizens of both sexes. Women’s limitation of rights was also formally instituted. One of the first measures of the Mujahedeen Government in 1992 was the compulsory veiling of women in the public space. This was officialized by a decree of the Supreme Court in August 1993, imposing strict codes of clothing and behavior on women and ordering the dismissal of all female civil servants. Similar measures were reinstated and radicalized under the Taliban.⁶⁴

⁶¹ KII-Kab-CSO-4

⁶² FGD-PAK-M-Kab, FGD-PAK-F-Nan, FGD-IR-M-Kab, FGD-IR-F-Kab, FGD-IR-F-Her, KII-Kab-CSO-4, KII-Kab-CSO-2, KII-Kab-Gov-2

⁶³ FGD-IR-M-Kab, FGD-IR-F-Kab, KII-Kab-CSO-4

⁶⁴ BILLAUD (2015), pp. 54-55.

The experience of a peaceful, relatively developed society by migrants, and that of conflict and social restrictions on rights in the post-Soviet era and under the Taliban regime is essential in understanding what is conceived by migrants and non-migrants as fundamental rights.⁶⁵ For example:

Afghanistan is a traditional and conservative society, and has a conservative perspective on many things. There is no doubt that those who migrated and returned to Afghanistan have a different perspective than those like us who haven't left, particularly concerning access to rights and public services. We can see that those born in Iran and Pakistan and raised in those societies are different when they return and have the same habits and mores as in those two countries. But Afghans who did not leave and had to bear years of war and were raised in the worst environment have less understanding and interest in fundamental rights and women's rights. Women who travelled to Iran and Pakistan and could use the services available there and get awareness on rights have a better understanding of fundamental rights of citizens. Women who did not migrate and remained in a conservative society struck by war certainly have a lower appreciation of rights unless they have experiences from the past [pre-1991] but this is changing and those women are gaining awareness.⁶⁶

By far, the rights which receive the most attention from return migrants are those related to access to decent living conditions (indiscriminate and appropriate access to health services, access to basic amenities and utilities such as electricity, clean water, and sanitation facilities), access to quality education, and women's rights. The attitude toward rights, however, differs between return migrants from Iran and those from Pakistan. While both groups admit that their experience of migration in a relatively developed society has sensitized them to access to basic services and social rights, each migrant group shows specifically different appreciations of what political rights, women's rights and family rights entail. While the exposure to rights by migrants to Pakistan varied according to their geographical location and living conditions in Pakistan, social and economic backgrounds, and level of education, those of living in Iran can be divided in two broad categories: those who lived in Iran with their family as registered refugees, and those who did not have a legal status, with the later category having been less exposed to Iranian society and its provisions on citizens' rights and suffered a high degree of abuse from the Iranian government.

Discrepancies were noted in the data between perceptions of civic rights as professed by respondents, and their statements concerning the effective access to basic services or practice of their civic rights.⁶⁷ Awareness on access to basic rights, for instance, was counterbalanced by statements emphasizing their limited availability in Afghanistan due to destruction from conflict and widespread administrative corruption. Similarly, while those who stated the importance of women's rights, including women's freedom of movement, presence in the public space, rights to education and work comparable to those of men, also underlined the many social and cultural obstacles which *de facto* limited access by women to these rights.⁶⁸

That said, in the three urban centers of focus there was agreement that, with time, perceptions of rights and expectations of return migrants and those who had not left Afghanistan were progressively

⁶⁵ FGD-NR-M-Kab, FGD-IR-M-Kab, FGD-IR-M-Her, FGD-IR-F-Her, FGD-PAK-M-Kab, FGD-PAK-M-Nan, KII-Kab-CSO-3

⁶⁶ FGD-NR-M-Kab

⁶⁷ The classification of fundamental rights under the three pillars of civic, social and economic rights derive from the framework adopted as part of Afghanistan Rights Monitor. See <http://appro.org.af/publication/afghanistan-rights-monitor-baseline-assessment/>

⁶⁸ FGD-IR-M-Kab, FGD-IR-M-Her.

converging. This is attributed to an increasing degree of mixing of population groups in urban areas, relatively easy access to information through media, social networks, and the presence of a (still) sizable international development individuals and organizations.⁶⁹ For many, given the deeply entrenched sets of beliefs on appropriateness or inappropriateness of certain activities for women, the move from changes in perceptions on the places of women in society to changes in practice will come with the younger generation that acquires and makes its own the final blend of the values that form the beliefs on the basis of which a society is defines itself.⁷⁰

Perceptions and Practice of Rights – Non-migrants

A recurrent statement among by those who did not migrate is that there was generally little understanding of the term ‘human rights’ and what it entailed in practice. Decades of conflict, limited access to basic services, dysfunctional administration, were considered as having eroded perceptions of what constitutes a right, and shifted priorities to ensuring basic security and economic survival of the household.⁷¹ Civil war, and restrictions under the Mujahideen and Taliban rule were also reported to have shaped perceptions of women’s security, with serious repercussions on their mobility. “Human rights” were often equated with women’s rights and considered as a foreign imposition, sometimes contradicting Islamic and cultural social and gender norms.⁷²

By contrast, return migrants from Iran and Pakistan, by having lived in a secure environment with access to functioning services, access to information and education, are perceived by non-migrants as having been advantaged upon return both in terms of understanding rights they were entitled to, and creating the conditions for accessing them.⁷³ However, while male and female returnees had a clear perception of rights they were entitled to in theory, they were denied those rights in practice because of institutional limitations – whether they came from the family, society, or a dysfunctional administration.

Civic Rights

Comments on civic rights mostly derived from observations of what had been denied to those who remained throughout years of war, with occasional comparison with those who had had access to a relatively more peaceful environment through migration. Access to quality education and reliable information, for instance, were mentioned as advantages for those who had migrated and had the opportunity to experience life in a “developed and peaceful” society.

The general sentiment among non-migrants is that the government of Afghanistan is not in a position to fulfill its fundamental commitments to basic and civic rights. The use of force and coercion is seen as the primary means to political representation, access to justice institutions, and basic services, resulting in a rights for all becoming privileges for the few who can mobilize networks of power and coercion.⁷⁴

⁶⁹ FGD-NR-F-Kab, FGD-NR-M-Kab, FGD-PAK-M-Kab, FGD-IR-F-Her, FGD-NR-F-Her, KII-Kab-CSO-2.

⁷⁰ FGD-IR-F-Kab

⁷¹ KII-Kab-CSO-2, FGD-NR-F-Her, FGD-NR-M-Kab, FGD-NR-F-Kab

⁷² KII-Kab-CSO-2, See, also, Holland et al. (2016).

⁷³ FGD-NR-F-Kab, FGD-NR-M-Kab; FGD-NR-M-Nan

⁷⁴ FGD-NR-M-Her; FGD-NR-M-Kab; FGD-NR-F-Her

Social Rights

Access to essential services including water, electricity and sanitation, are considered from the perspective of their effective availability. For most, access to essential services and basic facilities is perceived as a derivative of a citizen's economic welfare and access to networks of power. The state is seen as not taking responsibilities in securing basic decent living conditions for its citizens and ensuring stability.⁷⁵

Widespread access to quality education and health services is considered a fundamental right and a requirement for all citizens. There is also a general agreement that women's access to work in health and education, as doctors, nurses, midwives and teachers should be promoted to respond to the needs of citizens from both sexes.⁷⁶

Economic Rights

Unstable and underpaid employment, limited job opportunities and discrimination in access to employment are considered as the most prominent forms of rights violations. Insecurity and institutionalized corruption are often blamed as aggravating factors for access to work in both the public and private sectors.⁷⁷ With a few exceptions, women's employment is generally considered as a requirement for responding to social needs, specifically in health and education. Freedom from harassment and security on the way to work and at work were preconditions for women's access to employment. Further limitations are imposed through considerations of occupations as being "appropriate" and "inappropriate" for women.⁷⁸

There is also a widespread belief among many respondents, male and female, that income generation is the primary responsibility of men, and that women should be "protected" as much as possible from the risk of having to interact with strangers in the public space. While working women insisted on the importance of female presence in services-related jobs to ensure women's access to services, housewives insisted that a woman's best form of employment was at home, and that her duties as a housewife were complementary to her husbands' responsibilities as the bread winner outside of the home.⁷⁹

Conversely, young men face significant pressure to sustain the needs of their extended family. Coming of age and before marriage, it is considered as their duty to take on a job – in parallel to their studies if necessary, to contribute to household income. After marriage, they are expected to be able to cover the needs of their wife, children and parents.⁸⁰

Women's Rights and Gender Roles

In all three locations and across status and gender, respondents felt that awareness on women's rights had increased in urban centers over the past decade, and that some practices were progressively

⁷⁵ FGD-NR-M-Kab

⁷⁶ FGD-NR-M-Kab; FGD-NR-F-Kab; FGD-NR-F-Nan, FGD-NR-M-Nan; FGD-NR-M-Her; FGD-N-F-Her.

⁷⁷ FGD-NR-M-Kab

⁷⁸ FGD-NR-M-Kab; FGD-NR-F-Kab; FGD-NR-M-Her

⁷⁹ FGD-NR-M-Her; FGD-NR-M-Kab; FGD-NR-F-Kab; FGD-NR-H-Her

⁸⁰ FGD-NR-M-Kab; FGD-NR-F-Kab

changing, with increased presence of women in the public space. Girls' right to education is considered as desirable, as is women's presence in service-related jobs.⁸¹

These views were more nuanced, however, when discussing division of tasks between men and women within and outside of the household, before and after marriage, and types of paid work women should do. For both men and women, women's rights were placed essentially in the framework of traditional notions of honor [*namus, gheytrat, aabru*] and chastity [*effat*] on the one hand, and interpretations of Islamic values on the other hand. For example,

Unfortunately, women who claim their rights in this country are faced with a thousand insults, including apostate [*kafer*], opponent to Islam, and even vulgar words about the chastity of women and their character."⁸²

And,

We are more afraid of the honor [*aabru*] and chastity [*'effat*] of women which is why we don't authorize them to go out of the house to work or for other social activities.⁸³

A general concern about women's insecurity in the public space was regularly raised as a risk to women's mobility in general and their access to work and higher education in particular.⁸⁴ For example,

Women and men have the same right to study but in the framework of Islam. [...] In other Muslim countries like Iran, women can be pilots, doctors, officers and engineers. But in our country women need to have different specialties because women already have a lot of problems and it is better for them to focus on problems faced by women and become nurses, doctors, midwives and teachers. [...]⁸⁵

And,

Men and women have the same rights to study and work but it needs to be appropriate for women. In places where men are the majority, women will be harassed and they cannot work there: they also need to take into account their physical abilities.⁸⁶

And,

If women work in an Islamic environment and wear hijab [full cover] when going to work and on her way back, no one can talk badly of this woman or her husband. But when a woman puts on make-up 'with 7 pen' [fully and strongly made-up] and wears trendy clothes to go to work people use improper expressions to describe them. [...] This type of working woman is perceived negatively in our society. We expect women to stay within the frame of Islam, wear a full veil to work and not to create any problem.⁸⁷

⁸¹ FGD-NR-F-Kab; FGD-NR-M-Kab; FGD-NR-F-Nan; FGD-NR-M-Nan; FGD-NR-F-Her; FGD-NR-M-Her.

⁸² FGD-NR-F-HER

⁸³ FGD-NR-M-Kab.

⁸⁴ FGD-NR-M-Kab; FGD-NR-F-Kab, FGD-NR-M-Her; FGD-NR-M-Nan

⁸⁵ FGD-NR-M-Kab

⁸⁶ FGD-NR-F-Kab

⁸⁷ FGD-NR-M-Kab

These and other comments centered on what is “acceptable” and “appropriate” for women in a patriarchal society where there is a clear division of tasks between men and women.⁸⁸ Men are responsible for ensuring the wellbeing of their household, unmarried young women are to prepare for their future responsibilities as wives and assisting in house chores, regardless of whether or not they pursue higher education or training. After marriage a woman is generally expected to show respect and obedience to her husband and in-laws. If she has the opportunity to work, her role is to ensure her responsibilities outside of the household will not hamper her duties as a housewife and a mother or raise questions about her whereabouts outside of the household.⁸⁹ Many of the working women interviewed said that they faced high pressure from their family members not to neglect domestic duties. Girls studying, particularly at higher levels, with the intention of working after graduation did so based on the approvals from the father and brothers.⁹⁰ According to a female university student,

We are limited in access to work. Even if we are educated we do not get the right to work in a field in accordance with our interest. We have to do what our family thinks is best for us. All choices have to be taken based on what the family wants. Boys can choose their spouse and their field of study, but us girls do not have these rights.⁹¹

And,

When I go out of the house to work and come back home, members of my family have a reproachful behavior and they do not like that we [women] work.⁹²

Limitations on women’s freedom to work were also referred to by the husbands of working women. A recurrent statement was that the husbands faced social pressure for allowing their wives to go out of the home independently, sometimes with accusations of being powerless and “without honor” [*bi-gheyrat*]. For example,

The best work for women is at home, raising children well. ... men whose wives work are considered as women corrupters [*zan zalil*] and without honor [*bi-gheyrat*] and all women employees are considered as bad women. The problem is that women are not looked at properly [as equal human beings] and because of that it is bad for women to work in this society.⁹³

The negative view of women in society, worries about negative judgment of men who allow their wives or women folk to work, and the need felt by many man to be seen to be the protectors of their honor regarding women severely limits women’s mobility and access to services in general.⁹⁴ Interacting with government institutions for instance is considered as an additional source of worry and a risk for women being harassed.⁹⁵ Dependency on men for mobility outside of the home limits timely access to health services, for example. Families with limited means often choose to keep girls at home and send boys out to school and work.⁹⁶

⁸⁸ FGD-NR-M-Kab; FGD-NR-F-Kab FGD-NR-M-Her; FGD-NR-M-Nan

⁸⁹ FGD-NR-M-Kab; FGD-NR-F-Kab FGD-NR-M-Her; FGD-NR-F-Her; FGD-NR-M-Nan

⁹⁰ FGD-NR-H-Her; FGD-NR-F-Kab

⁹¹ FGD-NR-H-Her

⁹² FGD-NR-F-Her

⁹³ FGD-NR-M-Her

⁹⁴ FGD-NR-F-Kab; FGD-NR-F-Her

⁹⁵ FGD-NR-M-Kab

⁹⁶ FGD-NR-F-Kab

There was a strong sentiment among the women that moving toward gender equality needed men's explicit support for women's mobility. Similarly, a number of women insisted that the government had to fulfill its responsibility of creating safe spaces for women in different spheres.

Despite these challenges, most respondents felt that attitudes toward women's rights to study and work were rapidly evolving in urban spaces, with better access to education for all, and higher awareness of the need for female presence in service provision.⁹⁷ The exposure to new attitudes of return migrants and observations among some that women could work so long as they observed a proper Islamic behavior was also reported by some women as contributing to change in perceptions on women's right.⁹⁸

Perceptions and Practice of Rights – Returnees from Iran

Mostly concentrated in urban centers while in Iran, Afghan migrants were exposed to urban lifestyles and a diversity of norms, ranging from religion-based conservative to secular and liberal.⁹⁹ Exposure differed between registered migrants, who often lived in the same neighborhoods as Iranians, attended the same schools (before 2004), and interacted with Iranian citizens and institutions, and unregistered migrants mainly confined to their work space in a more homogenous Afghan and male-dominated environment.¹⁰⁰

The combination of interaction with Iranians - both directly and through the media, the availability of education (albeit in a limited fashion for Afghans), access to proper supply services and civic rights for Iranian citizens, and the contrast between these norms and provisions and their own personal experience of discrimination and rights violation, contributed to the registered migrants' awareness of and commitment to fundamental rights. This is particularly the case for equal access to quality services, living in a healthy environment, access to fair justice, and children's rights.¹⁰¹ Those born and educated in Iran notably demonstrate permeability to institutional practices and generational changes underway in Iranian society:¹⁰²

Our generation [born in the 1970s] who was educated in Iran and lived in cities is more aware of and committed to fundamental rights as norms. [Secular, urbanized] Iranians from our generation in Iran were highly critical of their society and government, and since we evolved in this environment, we absorbed this critical thinking and way of looking at things and have kept it until now. [...]. I can say this is definitely the effect of migration on Afghans who went to Iran. On women's rights for instance, you had two broad categories, those who were conservative traditionalists, and those who were against conservative

⁹⁷ FGD-NR-F-Kab; FGD-NR-F-Her; FGD-NR-F-Nan; FGD-NR-M-Kab; FGD-NR-M-Her; FGD-NR-M-Nan.

⁹⁸ FGD-IR-F-Her.

⁹⁹ KII-Kab-CSO-4. Afghan refugee population in Iran constitutes one of the largest urban refugee population in the world, with only 3% living in camps in rural areas, cf. <https://www.hrw.org/report/2013/11/20/unwelcome-guests/irans-violation-afghan-refugee-and-migrant-rights>

¹⁰⁰ At the period of migration this study is concerned with [prior to 2005], restrictions to access to education for Afghan children by the Iranian government were not as severe as they became later, and children of Afghan refugees generally had access to the same schools as Iranian children until grade 12. See note 38.

¹⁰¹ FGD-IR-F-Kab; FGD-IR-M-Kab; FGD-IR-F-Her; FGD-IR-M-Her; KII-Kab-CSO-4

¹⁰² FGD-IR-M-Kab; FGD-IR-M-Her; KII-Kab-CSO-4

traditionalists and advocated for equal rights. We observed those, and their perceptions and criticism of traditions also influenced us.¹⁰³

The degree of exposure to Iranian society of illegal labor migrants, who were deprived of most fundamental rights including access to official services and institutions, was largely limited to a male-dominated work environment. However, and despite a more precarious situation and a lack of access to basic services and rights, illegal labor migrants to Iran also alluded to being affected by more liberal norms through their migration and exposure to Iranian society. This is notably the case in terms of expectation of standards in access to services and the benefits of quality education for both sexes. Some also mentioned seeing female engineers on their place of work, or working in the fields, as having changed their beliefs on women's professional activity as being only limited to health and education services.¹⁰⁴

Civic Rights

The legal civic and political rights granted by the Constitution to Afghan citizens was one of the most prominent factors reported in a redefinition of rights among returnees from Iran, and the rights toward which returnees carried the most expectation. This redefinition is mostly noticeable among those who lived as registered refugees in Iran but were legally deprived of basic rights including freedom of speech and access to democratic representation, and suffered from discriminations in their interactions with the Iranian administration and justice systems.

Many of the returnees from Iran stated that, on return, they felt a strong desire for becoming informed of democratic rights and the legal framework in Afghanistan, and thus the avenues for claiming those rights. Among the educated, forms of mobilization, active civic engagement to request rights from the state or to create the conditions for better access to basic needs and fundamental rights were inspired by their experience of living in the Iranian society.¹⁰⁵ Among the youth, the virtual links preserved with their former country of exile and observation of rights movements in Iran through media and social networks contribute to shaping the forms of civic engagement of return migrants in Afghanistan.¹⁰⁶

Regular interactions with state institutions in Iran, including by women, also increased understanding and awareness of the functioning of administration, legal pathways and justice provisions – including Islamic provisions on family law. Female returnees from Iran pointed to women's limited access to justice in Afghanistan and the importance of mobilizing the existing legal framework to press for more access for women.¹⁰⁷ These experiences resulted in relatively high levels of awareness among Afghan migrants of the legal system and the purpose it was meant to serve in society. For example,

When you are faced with a series of limitations in your rights and you start understanding what the law says about you, you get a better grasp of what you should be entitled to.[...] [Afghan] women who lived in Iran also had to know about the law to make sure their children would not face problems with the [Iranian] government and get arrested by the police who stalked Afghans, and they transferred this knowledge to their children.¹⁰⁸

¹⁰³ KII-Kab-CSO-4

¹⁰⁴ FGD-IR-M-Kab; FGD-IR-M-Her; KII-Kab-CSO-4

¹⁰⁵ FGD-IR-M-Kab; FGD-IR-F-Kab; FGD-IR-M-Her; KII-Kab-CSO-4.

¹⁰⁶ KII-Kab-CSO-4; FGD-IR-M-Her

¹⁰⁷ FGD-IR-F-Kab

¹⁰⁸ FGD-IR-M-Kab

And,

As a discriminated minority in Iran, we had to abide by the law. This is how we grew up in Iran: as a minority, we never misbehaved. We had to use the legal way because we had no relations, and no power. So here [in Afghanistan] we also looked for legal rules and provisions.¹⁰⁹

On return / coming to Afghanistan, lack of familiarity with the environment was also associated with a limited access to networks of power. In a context where the Afghan administration had been weakened by decades of conflict and the changes of regime, the use of connections became standard practice to access services. In asking for documentation, administrative processes for registration of businesses and non-profit organizations, but also in access to jobs, returnees from Iran pointed to two main obstacles of limited access to institutionalized networks of connections and lack of understanding of the informal mechanisms through which services could be accessed. Lacking networks and connections, those who had experienced dealing with the Iranian administration during migration continued to use similar processes of engagement in Afghanistan as they had in Iran:

[When we returned to Afghanistan] we didn't use bribe payment and connections. For example, here in Afghanistan I have the right to have a *tazkira*, so I will go through all the administrative steps to get it legally. Those who stayed in Afghanistan know that they can pay a bribe and get it done. Similarly, for finding employment: I used the regular application and selection procedures and could not mobilize friends and networks to get hired through connections. If we have a complaint, we try to use a civic way: through Facebook, demonstrations or letters. Because we did not know the methods of Afghanistan and the environment, the first thing that came to mind was the legal way. This is also how we grew up in Iran: as a minority, we never misbehaved according to the law.¹¹⁰

Social Rights

Perceptions of social rights are primarily informed by the significant discrepancy between the poor living conditions in Afghanistan and the relatively better conditions in Iran, with access to a decent living environment with better, hygienic public spaces, clean water and food, electricity and basic municipal services.¹¹¹ These perceptions are widely shared by both registered and unregistered Afghan returnees from Iran. Lack of access to quality education and health facilities free of discrimination and corruption were also pointed to as major concerns with living in Afghanistan.¹¹²

One of the rights areas where both perceptions and practices of rights of return migrants from Iran were noted to be distinct from that of return migrants from Pakistan and Afghans who had not migrated is that of family rights. This is particularly pronounced in the case for the right to choice in marriage including for girls and women's right to seek divorce and access their share of inheritance according to Islamic provisions.¹¹³ While these practices are reportedly generally considered as acceptable and *de*

¹⁰⁹ KII-Kab-CSO-4; The minority status experienced in Iran as migrants with limited access to rights, and re-experienced in Afghanistan as returnees is a common statement among returnees from Iran. This is particularly the case among Hazara returnees from Iran, who highlight the specificity of their experience as part of a religious majority in Iran, but a discriminated minority on the basis of their Afghan nationality, and as a religious and ethnic minority upon return in Afghanistan. On the case of Shi'a Hazara migrants and the "reversed minority" status, see Annex 3.

¹¹⁰ KII-Kab-CSO-4

¹¹¹ FGD-IR-M-Kab; FGD-IR-F-Kab; FGD-IR-M-Her; FGD-IR-F-Her; KII-Kab-CSO-4.

¹¹² FGD-IR-M-Kab; FGD-IR-F-Kab; FGD-IR-M-Her; FGD-IR-F-Her; KII-Kab-CSO-4.

¹¹³ KII-Kab-Gov-2; FGD-IR-M-Her, FGD-IR-F-Her; FGD-IR-F-Kab.

facto practiced within urban families of return migrants from Iran, those related to choice in marriage and divorce are subject to widespread disapproval in the rest of the society and perceived as a destabilizing factor of traditional norms.¹¹⁴

Economic Rights

For Afghans who had been educated in Iran, coming to Afghanistan fostered hopes of gaining access to higher education and employment commensurate with their educational qualification, severely limited in Iran.¹¹⁵ However, working conditions in Afghanistan often generated disillusionment.

Among the returnees who had higher education, whether upon return in Afghanistan or, for a minority, while in Iran, there is strong emphasis on the importance fair competition for jobs and disregard for the use of connections and payment of bribes.¹¹⁶ The returnees also express a higher degree of sensitivity to child labor, for example. Many male interviewees had been engaged in child labor while in Iran and considered this practice as a mark of discrimination and objected to its use in Afghanistan.¹¹⁷

Women's Rights and Gender Roles

While female Afghan migrants faced a number of social, institutional and legal restrictions on their rights in the public space in Iran, those born in the 1970s and after refer to witnessing increasing mobility for women and better opportunities for employment and education among Iranians of their generation.¹¹⁸ Migrants' conceptions of honor, notably those of *namus* and *gheyrat*, associated with the protection of women and their hiding from public view and focus on maintaining the reputation of the family, appear to have been softened with a general weakening of these conceptions among urbanized Iranians. Many of the returnees from Iran do not subscribe to the conceptions of honor relating to women in public spaces, prevalent in Afghanistan.¹¹⁹

More generally, women's rights in marriage and to education, employment and access to the public space were considered as necessities for social and economic development of society. For most of those interviewed, women's professional activity outside the household is not considered as detrimental to a husband's honor. On the contrary, most male and female return migrants from Iran highlighted the benefits of women working for household income, advocating for a less gendered division of responsibilities and against notions of men exclusively responsible for ensuring the family's wellbeing, and women confined indoors as housewives and care-takers.¹²⁰ Women and girl's access to leisure, visiting friends after class, or attending gatherings outside of social obligations like weddings and funerals, is significantly more widespread among return migrant families from Iran than among other groups, particularly in Kabul.¹²¹

Most female interviewees also advocated for less strict and less gendered division of tasks within the household as the catalyst for breaking from the traditional mold of men being responsible for income

¹¹⁴ KII-Kab-Gov-2; FGD-NR-F-Her; FGD-NR-M-Her; FGD-IR-M-Kab.

¹¹⁵ FGD-IR-M-Kab; FGD-IR-M-Her; FGD-IR-F-Kab; FGD-IR-F-Her; KII-Kab-CSO-4

¹¹⁶ FGD-IR-M-Her; KII-Kab-CSO-4.

¹¹⁷ FGD-IR-M-Kab ; KII-Kab-CSO-4.

¹¹⁸ FGD-IR-M-Kab ; KII-Kab-CSO-4.

¹¹⁹ KII-Kab-CSO-4; KII-IR-M-Her.

¹²⁰ FGD-IR-F-Kab; FGD-IR-M-Kab; FGD-IR-F-Her; FGD-IR-M-Her

¹²¹ FGD-IR-M-Kab; FGD-IR-M-Her; KII-Kab-CSO-2; KII-Kab-Gov-2

earning and ensuring their family's wellbeing and women being in charge of housekeeping and raising children.¹²²

Regardless of their level of education, female returnees from Iran also point to women's ability to seek divorce in Iran under much better circumstances than Afghanistan and having access to *mehrieh*¹²³ and their share of inheritance according to Islamic provisions.¹²⁴ The use of bride price (*tuyana*) in Afghanistan instead of *mehrieh* was also denounced particularly severely by return migrants from Iran as an attack to the brides' rights and in contravention of Islamic principles.¹²⁵ For example:

Those who have been to Iran have a better perception of marriage practices, most give *mehrieh* and do not ask for cash, which in itself means that the culture of Iran has affected us, while most of those who have not migrated ask for exorbitant amounts of money to give their daughter away instead of asking for *mehrieh*.¹²⁶

Particularly in terms of gender norms, many of the returnees from Iran resist adopting the current social norms of Afghanistan as they regard some of the practices witnessed in Iran to be entirely in the framework of an Islamic behavior and consistent with the respect women are entitled to in an Islamic society. Restriction on women's mobility in Afghanistan is attributed to the prevalence of a new traditionalism which in part is incompatible with Islamic values.¹²⁷

These characteristics of returnees from Iran are disapproved by some, who view them as lacking in understanding of local norms and as "foreign interference."¹²⁸ For example,

Those who returned from Iran are different, and came back with some things that our current society still does not accept, some liberties that our current society still does not approve. [...] I am not against some freedoms and cultural changes that returnees from Iran brought back with them, but some were really foreign interference in society.¹²⁹

And,

Particularly concerning women, those who have been in Iran are more free, they go to the university and walk with their classmates, stay late at night in restaurants with their friends, something that non-migrant girls do not do. Returnees from Iran are also more open about the choice of a husband by their own daughters, while most other Afghans have a negative opinion of this. They badmouth women who have returned from Iran because they feel they are putting Afghan cultural practices at stake.¹³⁰

¹²² FGD-IR-F-Her; FGD-IR-F-Kab.

¹²³ Required in the Shari'a and codified under Afghan Law, *mehrieh* (or *mehr*) is a mandatory gift, in the form of possessions or money, paid by the groom's family to the bride at the time of marriage as compensation for the bride in case of divorce or death of her husband. According to Islamic principles, the bride has sole ownership of the *mehrieh* and full authority to use it as she wishes. By contrast, *tuyana* (Dari) or *walwar* (Pashto), uncodified by Islamic Law, refers to the payment of a price to the family of the bride, negotiated before marriage based on the family's and the bride's reputation.

¹²⁴ FGD-IR-F-Her

¹²⁵ FGD-IR-M-Her; FGD-IR-M-Kab

¹²⁶ FGD-IR-M-Her

¹²⁷ FGD-IR-M-Kab; FGD-IR-F-Kab; FGD-IR-F-Her; FGD-IR-M-Her.

¹²⁸ FGD-NR-M-Kab; KII-Kab-CSO-2, KII-Kab-Gov-2

¹²⁹ KII-Kab-CSO-2

¹³⁰ KII-Kab-Gov-2.

That said, there is recognition that the limitations imposed on women’s mobility in Afghanistan are difficult to overcome, particularly in conservative neighborhoods. Female respondents referred to the pressures by relatives, neighbors and colleagues who had not migrated on how they should behave.¹³¹ Most interviewees further suggested that, when in Afghanistan, women should stick to studying in fields which could lead to employment opportunities in health and education, where women’s presence is subject to less criticism and reprobation. Social control and “disrespect” for women on the streets, while attributed to a “lack of culture”, were often mentioned as an aggravating factor and an impediment limiting women’s access to public spaces. Girls studying were also said to face additional pressure at home, including from female members of their families, to observe their place in the home and not jeopardize future opportunities for other girls in their household by not “respecting elders” or not assisting in tasks at home.¹³²

A number of interviewees thus underlined the occasional discrepancy between rights perceived and professed, and their effective practice in the current environment in Afghanistan. Some men stated that the conditions for women’s presence in public as they exist in urban centers in Iran were not the same in Afghan cities, which had resulted in changes in men’s behavior toward women in their households.¹³³ In one of the male focus groups, a man asked:

In this very group [the focus group] which one of you has a wife who works at the Provincial Office or the Directorate of Police? [All replied: ‘none of us’]. You see: none of you. When we are not ready ourselves for our daughters and wives to work, how can one say that we have a positive view of women working?¹³⁴

Perceptions and Practices of Rights – Returnees from Pakistan

Confrontation between the alternative norms brought back from exile, and those prevailing in Afghan society was not mentioned as explicitly by return migrants from Pakistan as those from Iran. There was a recurrent statement by returnees from Pakistan in both Kabul and Nangarhar of the “cultural continuity” between the two countries.¹³⁵ While some underlined Pakistani women’s freedom of mobility, access to education and work opportunities, others noted that violations of women’s rights were common in Pakistan. Many also insisted that practices in urban centers of Afghanistan were rapidly evolving to include more women in education and the work space. Differences in terms of perceptions of rights between returnees from Pakistan and Afghans who did not leave the country are primarily attributed to life in a secure environment and better access to education, albeit for those who settled in large urban centers of Pakistan.

In Pakistan, degrees of exposure to different social norms and views on women’s place in society depended on where the migrants settled in Pakistan, which could be in conservative or liberal environments, neighborhoods with a large Afghan population, or in camps with limited access to cities.¹³⁶ Migrants settled in urban centers were more likely to send their daughters to school and

¹³¹ FGD-F-Her

¹³² FGD-IR-F-Kab.

¹³³ FGD-IR-M-Her; FGD-IR-M-Kab

¹³⁴ FGD-IR-M-Her

¹³⁵ FGD-PAK-M-Kab; FGD-PAK-F-Nan; FGD-PAK-M-Nan; KII-Kab-CSO-1; KII-Kab-CSO-2; KII-Kab-Gov-1; KII-Kab-Gov-2

¹³⁶ KII-Kab-Gov-1

pleased about having easy access to schools, justice institutions and basic services for both sexes.¹³⁷ Male migrants to Islamabad, for instance, were more likely to have been exposed to women in public spaces, pursuing higher education and working. Some of male returnees who had settled in Peshawar reported that women had fewer rights in Peshawar compared to Afghanistan and that in Peshawar cases of underage marriage for girls, polygamy, *baad* [the offer of a woman as a bride to settle a dispute] and ‘honor crimes’ [*qatl-e namusi, qatl-e gheyrati*].¹³⁸

Exposure to other norms and values was much more limited for migrants who lived in homogenous Afghan neighborhoods. In both cases of those living in urban areas and those living within predominantly Afghan neighborhood witnessing citizens’ access to basic services and women and girls’ mobility in the public space left an impression on the migrants and reportedly changed their perception of women’s entitlement to education and work, as well as expectations in terms of access to quality services.¹³⁹

Returnees from Pakistan who had settled in urban centers during migration generally underline the relatively higher quality of education, health and sanitation services, access to quality information and organized democratic processes for citizens in Pakistan.¹⁴⁰ In light of the limited access they had to these services during exile, others point to the importance of being back home and being free from discrimination over other rights.¹⁴¹ They also point to the changes Afghanistan has undergone since 2001, and the increasing – though uneven – access to health and education facilities in urban centers.¹⁴²

Civic Rights

The vast majority of returnee respondents from Pakistan viewed the post-2001 period as an opportunity to live in peace as citizens in their country of origin.¹⁴³ Their perceptions of political rights were essentially focused on rights as citizens in a democratic environment and the possibility of democratic representation, with high expectations of the government and its responsibility in ensuring the wellbeing of citizens. The emphasis is more on the government’s role than what citizens could or should do. Their opinions about the situation in Afghanistan are often based on a comparison with the Pakistan, with its “stronger” government, able to control and monitor its institutions, as opposed to the Afghan government, viewed as weak and riddled with infighting and corruption.¹⁴⁴

Retrospectively and reflecting on the conditions for democratic electoral processes, those who lived in major urban centers in Pakistan also emphasized the importance of citizen participation in elections.¹⁴⁵ For example,

In Pakistan on the day of the elections we were forbidden to go out of our houses and this made us realize that we were deprived from a right Pakistanis had access to. When we returned to Afghanistan we knew that this was a right for both men and women.¹⁴⁶

¹³⁷ FGD-PAK-M-Kab

¹³⁸ FGD-PAK-M-Kab

¹³⁹ FGD-PAK-F-KAB; FGD-PAK-M-Kab; FGD-PAK-F-Nan; FGD-PAK-M-Nan

¹⁴⁰ FGD-PAK-M-Kab; FGD-PAK-F-Kab; FGD-PAK-M-Nan; FGD-PAK-F-Nan.

¹⁴¹ FGD-PAK-M-Kab; FGD-PAK-F-Kab; FGD-PAK-M-Nan.

¹⁴² FGD-PAK-M-Kab; FGD-PAK-M-Nan.

¹⁴³ FGD-PAK-F-Nan; FGD-PAK-M-Nan; FGD-PAK-F-Kab; FGD-PAK-M-Kab, KII-Kab-CSO-2

¹⁴⁴ FGD-PAK-M-Kab; FGD-PAK-M-Nan

¹⁴⁵ FGD-PAK-M-Kab; FGD-PAK-M-Nan

¹⁴⁶ FGD-PAK-M-Kab

The greater vulnerability of Afghan migrants to corruptive demands by Pakistani institutions, including the police, appears to have resulted in an appreciation of a relatively better status as citizens in Afghanistan, with freedom of movement and the right to vote.¹⁴⁷

The discrimination against and abuse of Afghan migrants in Pakistan by government and private actors reportedly resulted in Afghan migrants finding alternative illegal practices to access basic services. Contrary to return migrants from Iran who underlined the necessity to abide by the law to keep having access to the limited number of rights they were granted by the Iranian government, some returnees from Pakistan stressed the continuous pressure of Pakistani authorities on Afghan refugees to pay bribes to access a variety of services, forcing many of them to acquire a “law-breaking attitude.”¹⁴⁸ For example,

Migrants had access to services under the condition that they paid money, but the quality of the service given in return was good. The general behavior was a bit harsh against us and we were mocked for being Afghans. Our men were harassed constantly because it is a widespread practice there to ask for bribes.¹⁴⁹

Social Rights

For those who lived in refugee camps in Pakistan access to basic services was highly restricted. Most of those interviewed had access to “Afghan schools”, run by Afghans and separate from those for Pakistani citizens. There was also the need to pay extra fees to access quality health services.¹⁵⁰ In some cases, including in camps but also in Afghan neighborhoods of cities such as Peshawar and Quetta, education was accessed through sending boys to religious schools or *madrassas*, set up at the initiative of Afghan political parties in exile with support from Pakistani and other religious conservatives to promote a virtuous and conservative vision of society.¹⁵¹

Some women living in larger cities stated that lacking knowledge of Urdu, the main administrative language, was an impediment to their full access to rights and basic facilities with the necessity to rely on male family members.¹⁵² For example,

I had access to markets, but because they spoke Urdu and I didn’t know Urdu, only one man who knew Urdu in the family would go. Same thing for going to the doctor: we could not go on our own and explain what we were suffering from.¹⁵³

Comparisons between the Pakistani government and the Afghan government and their ability to provide citizens with quality living conditions, access to quality health and education, are recurrent themes in conversation with returnees from Pakistan, many of whom feel strongly that the Pakistani government is much more capable and committed in providing basic services to its citizens.¹⁵⁴ Exposure to widespread access to education on Pakistani citizens for both women and girls, including at the

¹⁴⁷ FGD-PAK-F-Nan; FGD-PAK-M-Nan; FGD-PAK-M-Kab

¹⁴⁸ FGD-PAK-M-Kab, FGD-PAK-F-Kab; FGD-PAK-M-Nan; FGD-PAK-F-Nan

¹⁴⁹ FGD-PAK-F-Kab

¹⁵⁰ FGD-PAK-M-Nan; FGD-PAK-M-Kab

¹⁵¹ KII-Kab-Gov-2

¹⁵² FGD-PAK-M-Kab

¹⁵³ FGD-PAK-F-Kab

¹⁵⁴ FGD-PAK-F-Nan; FGD-PAK-M-Nan; FGD-PAK-F-Kab; FGD-PAK-M-Kab; KII-Kab-CSO-1; KII-Kab-CSO-2

university level, was underlined by women as instrumental in shaping the perceptions of men on the importance of access to education for both sexes.¹⁵⁵

Economic Rights

Female Afghan migrants in Pakistan with access to education reported acquiring skills while in exile which facilitated their access to professional employment upon return in Afghanistan. The men and women who had had access to high school or higher education in Pakistan secured employment in government administration, private sector entities, NGOs and development agencies upon their return to Afghanistan. For women in particular, this meant mobility and employment opportunities that their Afghan non-migrant counterparts generally did not enjoy to the same extent.¹⁵⁶ For example, in describing the general situation in Pakistan, it was related that,

In Pakistan there is everything for both boys and girls: schools, classes, health care, though it was less the case for us Afghans who did not have access to this because we lived far from big cities.”¹⁵⁷

Women’s Rights and Gender Roles

The influence of migration to Pakistan on gender norms of Afghan migrants were notable in views about women’s access to education and the right to work. The women who had had access to education in urban centers of Pakistan were better prepared for employment opportunities upon return to Afghanistan. Being in a Islamic context where women were present in public spaces, girls had access to schools, and women worked in mixed job spaces was also said to have sensitized men to women’s rights in mobility and employment, and the importance of education for both sexes.¹⁵⁸ Female Afghans who lived in Pakistan generally have a higher awareness of their rights according to Islam, particularly concerning inheritance.¹⁵⁹ The awareness of this right, however, was said to be largely limited to educated Afghan migrants who lived in urban centers.¹⁶⁰ In contrast, some of the Afghans who lived in Peshawar or along the border related being witnesses to violations of women’s rights, including underage marriage, honor crimes and polygamy.¹⁶¹ Some women reported having received a very little exposure to Pakistani society and having had limited access to markets, education and employment. Not knowing or understanding Urdu was also mentioned as an obstacle for women in accessing public services and administration while in Pakistan.¹⁶²

Perceptions of women’s rights for Afghan migrants in Pakistan differed based on the location and family background. While many living in large cities had access to schools and higher education, women’s access to basic rights was generally highly restricted in camps. For example,

It is true that university and schools function well in Pakistan. But the people there are conservative and patriarchal. Women’s rights are generally not given to them.¹⁶³

¹⁵⁵ FGD-PAK-F-Kab

¹⁵⁶ FGD-PAK-F-Nan; FGD-PAK-F-Kab; KII-Kab-CSO-2

¹⁵⁷ FGD-PAK-M-Kab; confirmed by FGD-PAK-M-Nan

¹⁵⁸ FGD-PAK-F-Kab; FGD-PAK-F-Nan; FGD-PAK-M-Kab; KII-Kab-CSO-2; KII-Kab-Gov-2

¹⁵⁹ FGD-PAK-F-Kab; FGD-PAK-M-Kab

¹⁶⁰ FGD-PAK-M-Kab; KII-Kab-Gov-2

¹⁶¹ FGD-PAK-M-Kab

¹⁶² FGD-PAK-F-Kab; FGD-PAK-F-Nan

¹⁶³ FGD-PAK-M-Kab

There were also mentions of the necessity to preserve the reputation of the household, due to widespread negative perceptions of husbands of working women as being without honor [*bigheyrat*] and effeminate.¹⁶⁴ While negative opinions on working women and their husbands may be the result of lack of awareness or education, the general sentiment is women's role in society should be defined by the purpose of her contribution to that society, specifically that relating to responsibilities in the home. Access to leisure spaces outside of the framework of relatives and being vocal about one's own rights in or outside the household, for instance, are considered as contrary to norms and damaging for the honor of the household.¹⁶⁵

Men are raised with the idea of honor being closely tied to how their women folk behave. In our own families, we allow boys to receive education but at the same time we deprive our girls from it. And it is us who tell to our sons 'will you let your sister go out unveiled or let her go out to see her friends on her own?'¹⁶⁶

However, even in cases where women were restricted in their mobility, female return migrants from Pakistan explained that male relatives' exposure to girls and women in the public space in a Muslim country sensitized them positively about education for girls and women working.¹⁶⁷

Men went to the market to find work and saw there were girls schools and girls going to school, all that with Pakistan being a Muslim country allowing its girls to go to school. [...] There were also women going to work without a full veil and girls going to school without a headscarf. Men's perceptions changed [by witnessing these].¹⁶⁸

In practice, most interviewees considered gender norms and institutions were by and large similar in their environment during migration and in Afghanistan upon return.¹⁶⁹ Women's access to education and employment is mainly viewed through interpretations of Islam and Shari'a, with insistence that women should focus on professions in health and education, limit interaction with men in the workplace and be covered appropriately.

Many of those interviewed, and many participants in the focus group discussions, felt strongly that there was a need for higher awareness of men but at the same time, it was women's responsibility to ensure that there is peace in the household by showing respect to their husbands and their family members, and raising children appropriately.

Conclusion and Implications

Analyzing the perception of rights and social norms of return migrants and non-migrants in three urban centers of Afghanistan, this research highlights the role of return migration as a factor in transformation of social and gender norms. Adopting a multi-level institutionalist approach, the research examined -political, social, governance and family structures that shape norms and understandings of

¹⁶⁴ FGD-PAK-M-Kab; FGD-PAK-F-Kab; FGD-PAK-F-Nan.

¹⁶⁵ KII-Kab-Gov-2; KII-Kab-CSO-2; FGD-PAK-F-Kab.

¹⁶⁶ FGD-PAK-F-Kab

¹⁶⁷ FGD-PAK-F-Kab

¹⁶⁸ FGD-PAK-F-Kab

¹⁶⁹ KII-Kab-CSO-2 REF

rights in the country of destination, in the country of origin upon return. The research shows that the return phase within the process of migration is crucial in understanding the way in which perceptions of norms are shaped, and how they influence the understanding of rights entitlement in the country of origin.

Findings point to a multiplicity of variables which affect perceptions of rights among return migrants and the extent to which those can be translated into practice upon return. Age, family context, neighborhood, local social specificities, degree and type of religious practice, education, as well as the political and social context of migration in the country of destination, the degree of exposure to host society during migration, and the institutional context of return – including existing state, family, cultural and customary institutions – are essential components shaping the way norms from the country of destination are interpreted and translated into their country of origin by return migrants.

Return migrants exposed to urban societies with higher access to basic facilities, a functioning administration, higher involvement of women in the social space, and who engaged with social and formal institutions in host societies are more likely, upon return, to advocate for the rights they witnessed in destination countries. Political and gender equity values are more likely to be practiced upon return to Afghanistan when migrants consider the modes of governance, and relatively better social and political condition of women in the country of destination bear social, economic and governance benefits. Exposure to alternative gender norms in a context where women generally had more access to rights within an Islamic framework, but also more generally in terms of access to mobility, education and employment, and family structure, provide them with a different perception of gender roles, and an alternative conception of honor and virtue[LM1].

At the same time, conditions of return, the degree of integration of returnees in the social and economic environment of Afghanistan, and the degree of acceptance of imported norms within the community they settle in upon return affect the extent to which these new norms are effectively practiced.

Findings thus highlight the complexity of influences and interferences that shape perceptions of norms, how they affect perceptions of rights, but also forms of mobilization to claim rights. Transfers of norms observed among return migrants from Iran and Pakistan are not a simple transposition of alternative norms and practices observed during migration abroad. Instead, social norms are re-interpreted upon return and translated into practice taking into account the local environment possibilities offered or obstacles to, their effective practice. The understanding of rights, and the way they are practiced within Afghan society and among the three categories of population studied are also constantly evolving, as confrontation of different norms and practices in urban settlements foster alternative forms of understanding of and mobilization for rights within and across different social groups.

A number of key features that emerged through this research need further examination. These are:

Dynamics of construction of identity: The experience of exile, networks formed within host societies and relations with formal institutions on one hand, and the experience of return including social pressure within Afghan society to conform, and confrontation with new norms, behaviors and vested interests on the other. Examining these dynamics would provide new insights into the mechanisms and processes of adaptation of return migrants.

Engagement with formal institutions: Migrants interviewed reported experiences of engagement with formal institutions while abroad affected the way they engaged with Afghan institutions upon return.

Additional research should examine how different approaches to engaging with the government are shaped by the experience of migration, and affect the interactions between state and citizens in Afghanistan.

Transfer of norms beyond the individual or household experience of return migrants, by examining how alternative practices of norms are transferred and translated into the Afghan context can foster dynamics of change in Afghan urban society.

Appendix 1: Key Informant Interview Questions

Experience of migration (only for returnees)

1. Describe your experience of migration and return to Afghanistan:
 - When did you leave and why?
 - What was your occupation there (Iran or Pakistan)?
 - At what age did you return?
 - Why did you return to Afghanistan?
 - Did you come back alone or with your family?
 - What were your first thoughts or impressions of Afghanistan upon your return?
 - What were the main differences between Afghanistan and where you returned from (Iran or Pakistan)?

2. What differences are there in access to basic rights **for citizens** between your country of migration and Afghanistan?
 - For men?
 - For women?

Perceptions of fundamental rights (**For all returnees and non-returnees**):

3. How are returnees from Iran perceived by those who never left Afghanistan?
 - By men?
 - By women?

4. How are returnees from Pakistan perceived by those who never left Afghanistan?
 - By men?
 - By women?

5. How are those who remained in Afghanistan perceived by those who returned from Iran?
 - By men?
 - By women?

6. How are those who remained in Afghanistan perceived by those who returned from Pakistan?
 - By men?
 - By women?

7. What are the differences in the perceptions of women's place in society between those who have returned to Afghanistan from Iran and those who never left Afghanistan?
 - By men?
 - By women?

8. What are the differences in the perceptions of women's place in society between those who have returned to Afghanistan from Pakistan and those who never left Afghanistan?
 - By men?
 - By women?

Practices and negotiations in access to rights

9. In Afghanistan, are access to and challenges in accessing fundamental rights different for men and women? why? How? Give examples.
10. What kind of **concrete** actions can be taken to improve the fundamental rights of citizens? Give examples:
- For female citizens?
 - For male citizens?

Practices and negotiations surrounding gender roles:

11. What are the main duties and responsibilities of an adult man?
- Before marriage?
 - After marriage?
 - Inside the house?
 - Outside the house?
12. What are the main duties and responsibilities of an adult woman?
- Before marriage?
 - After marriage?
 - Inside the house?
 - Outside the house?
13. Should there be differences in the age, type of education, or the duration of education for men and women?
14. What do the following terms mean:
- Namus?
 - Gheytrat?
 - Pardah?
 - Gender?
15. Who should protect women's rights in the public space?
16. Should women have the right to work, equal to the men?
- Yes: Explain why.
 - No: Explain why.
17. How are working women viewed in your community?
18. How are men with working wives viewed in your community?
19. Is there anything else you would like to add?

Appendix 2: Focus Group Discussion Guiding Questions

Experience of migration (only for returnees)

1. Describe your experience of migration and return to Afghanistan
 - When did you leave and why?
 - What was your occupation there (Iran or Pakistan)?
 - At what age did you return?
 - Why did you return to Afghanistan?
 - Did you come back alone or with your family?
 - What were your first thoughts or impressions of Afghanistan upon your return?
 - What were the main differences between Afghanistan and where you returned from (Iran or Pakistan)?

Perceptions of fundamental rights (for all)

2. What are the differences in the perceptions of fundamental rights between those who experienced migration and those who did not? List and explain.
 - How does the experience of migration/ living in another country shape one's understanding of their rights?
 - What about between returnees from Iran and returnees from Pakistan?
 - Are these experiences different for men and women?
 - Provide concrete examples.

Practices and negotiations in access to rights

3. In Afghanistan, are access to and challenges in accessing fundamental rights different for men and women? Why? How? Give examples.
4. What kind of **concrete** actions can be taken to improve the fundamental rights of citizens? Give examples:
 - For female citizens?
 - For male citizens?
5. Do you have any example from Afghanistan or from your former country of exile that could be applied here?

Practices and negotiations surrounding gender roles:

6. What are the main duties and responsibilities of an adult man?
 - Before marriage?
 - After marriage?
 - Inside the house?
 - Outside the house?
7. What are the main duties and responsibilities of an adult woman?

- Before marriage?
 - After marriage?
 - Inside the house?
 - Outside the house?
8. Should there be differences in the age, type of education, or the duration of education for men and women?
 9. Who should protect women's rights in the public space?
 10. Should women have the right to work, equal to the men?
 - Yes: Explain why.
 - No: Explain why.
 11. How are working women viewed in your community?
 12. How are men with working wives viewed in your community?
 13. Is there anything else you would like to add?

Appendix 3: Interview Codes

Each code consists of four units of information, the table below shows the types of the interview and interviewee as well as the province in which the interview has taken place.

Unit within the code	Description of the abbreviation
KII	Key Informant Interviewee
Kab/ Nan/ Her	First three letters of the name of the province
IR	Returnee from Iran
PAK	Returnee from Pakistan
NR	Non Migrant
Affiliation	Indicates affiliation of the interviewee in three letters, e.g., GOV (government) and CSO (civil society organization)
F/M	Female or Male interviewee
Number	Sequential number of the interview

Appendix 4: “Being a minority”: the case of Hazara migrants

“Being a minority” is a common statement of return migrants from Iran, associated with a feeling of estrangement and discrimination upon return in Afghanistan. The case of Shi’a Hazara return migrants from Iran is specific in this respect. They point to a status of “reversed double minority”, on each side of the border. In Iran, as Afghan migrants disqualified from a number of basic rights on the basis of their nationality, yet part of a religious majority. In Afghanistan, while in theory fully entitled to rights as Afghan citizens, but a minority on several levels: religious as Shi’a, ethnic as Hazaras, and as returnees from Iran. Without access to traditional networks of power, this “double minority” status fostered alternative practices of rights upon return. With access to the Afghan media and the right to freedom of expression they lacked in Iran, return Hazara migrants from Iran mobilized similar means as those they had observed and continued to observe in Iran among rights activists. Many continue to pay close attention to the developments of Iranian society and the methods of civic engagement, whether by mobilizing through associations [*anjoman*], social media, open letters, or demonstrations.

The use of Facebook is something new, it wasn’t available during my time in Iran, but it is part of the same process [of using alternative means to claim rights]: we try to see what means we have at hand. Again, since we are a minority. We were a minority in Iran and we are a minority here. In Iran we had no rights. Here we have rights so we use all means to get them. The Jonbesh Roshanayee [Movement of the Enlightenment] is an example of this: the use of Twitter was very interesting. You want to find a way at the lowest cost because you don’t have the means to mobilize otherwise: Facebook and Twitter have a very low cost of use. We have no power, and when you don’t have power, it is natural to look for other ways. [...] We do pay attention to other forms of mobilization in Iran. Jonbesh-e Sabz [the Green Movement] was a type of minority mobilization. Those who are a minority look for ways to promote their rights and mobilize and try to think what works and why it has an effect. We look at what types of methods were used, like social media.

At the same time, those who returned from Iran emphasize the specificity of their experience as opposed to Shi’a Hazaras who lived in Pakistan and resort less to civic engagement upon return in Afghanistan. Differences are reportedly grounded in the context of settlement during migration, with Hazara migrants in Pakistan often confined to exclusively Afghan Hazara neighborhoods with specific schools, more restrictions on access to education and a more limited exposure to their host society. Returning to Afghanistan, they allegedly have a higher tendency to claim rights as Hazaras than as Afghans, while returnees from Iran are more inclined to emphasize their belonging to an Afghan nation. |