



**“MY CHILDREN WILL DIE  
THIS WINTER”**

AFGHANISTAN’S BROKEN PROMISE TO THE DISPLACED

AMNESTY  
INTERNATIONAL



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**Cover photo:** *Chaman-e-babrak Settlement Kabul*  
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Map of Afghanistan, with the Herat, Kabul and Mazar-e-Sharif marked – the towns visited by Amnesty International for this report.

# GLOSSARY

<b>AIHRC</b>	<b>AFGHANISTAN INDEPENDENT HUMAN RIGHTS COMMISSION</b>
<b>ANSF</b>	Afghanistan National Security Forces
<b>DoRR</b>	Department of Refugees and Repatriation (provincial-level government body)
<b>IDP</b>	Internally displaced person. “Any person or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.” (definition from UN Guiding Principles on Internal Displacement)
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>ICRC</b>	International Committee of the Red Cross
<b>IDMC</b>	Internal Displacement Monitoring Centre
<b>IOM</b>	International Organization for Migration
<b>MoLSAMD</b>	Ministry of Labour, Social Affairs, Martyrs and the Disabled
<b>MoPH</b>	Ministry of Public Health
<b>MoRR</b>	The Ministry of Refugees and Repatriation
<b>NRC</b>	Norwegian Refugee Council
<b>OCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>PAP</b>	Provincial Action Plan, part of the implementation of the IDP Policy
<b>QCG</b>	Quadrilateral Coordination Group, established by the governments of Afghanistan, China, Pakistan and the USA to facilitate peace talks with anti-government armed groups
<b>SIGAR</b>	Special Inspector General for Afghanistan Reconstruction, a US aid watchdog
<b>UNAMA</b>	United Nations Assistance Mission to Afghanistan
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UN-HABITAT</b>	United Nations programme working to promote socially and environmentally sustainable human settlements, development and the achievement of adequate shelter for all

# 1. EXECUTIVE SUMMARY

**“I see no improvement, our situation has gone from bad to worse. I feel like we are being forgotten, there is no attention on displaced people anymore.”**

Gul Samima, a 16-year-old displaced girl in Kabul, November 2015.<sup>1</sup>

Farzana has seven children and has been living in the Chaman-e-Babarak settlement for internally displaced persons (IDPs)<sup>2</sup> in Kabul for almost a decade. She was forced to flee her home in Parwan province in the late 1990s because of the ongoing conflict between the Taliban and local warlords and made her way to the Afghan capital after spending time as a refugee in Pakistan. Life in the camp has always been a struggle for survival, but even more so since her husband left the family a few years ago. He was a drug addict and they do not know where he has gone. Farzana is now the family's only breadwinner. Her oldest son used to earn some money by shining shoes around Kabul, but he was killed in a car accident two years ago. The pain of losing a child has taken its toll both mentally and physically – Farzana says that she has lost the ability to taste since the day her son died.

Her only income comes from informal work as a cleaner, but it is not enough to feed her children. The family relies mostly on handouts of old bread from bakeries around the settlement. Speaking in November 2015 as temperatures were dropping in Kabul, Farzana said: “When you can't put food on the table for your children, it is worse than being hit with a gun. I'm worried about my children and that they will die, in particular now that the winter is coming.” She says she has not received any aid from the government or NGOs for several years. Farzana is desperate to leave the camp and build a better life for herself and her family somewhere else, but she does not have the resources to do so. “I hate it here. Every corner of this camp reminds me of my son's death.”<sup>3</sup>

Farzana's story is sadly far from unique in Afghanistan, a country that has seen decades of war displace millions of people. In 2001, when the US-led invasion toppled the Taliban and a new government was installed, Afghans returned en masse to their home communities and a few years of relative peace followed. But since 2004 the ongoing conflict has intensified and triggered a new exodus, in particular since 2011, when a combination of a resurgent Taliban and a collapsing economy has driven more and more people to flee their homes and communities.

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<sup>1</sup> Amnesty International interview in Kabul, November 2015.

<sup>2</sup> For the purposes of this briefing, Amnesty International uses the definition of IDP from the UN Guiding Principles on Internal Displacement: “Any person or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.” The Guiding Principles (E/CN.4/1998/53/Add.2) are available at <http://www.ohchr.org/EN/Issues/IDPersons/Pages/Standards.aspx>.

<sup>3</sup> Amnesty International interview, Kabul, 10 November 2015.

Afghanistan has one of the highest refugee populations in the world, estimated at 2.6 million people living outside its borders.<sup>4</sup> In 2015 alone, some 178,000 Afghans risked their lives on the dangerous journeys to reach European shores and apply for asylum – quadruple the number of the year before.<sup>5</sup> While this figure is significant, it is dwarfed by the millions of Afghan refugees in Iran and Pakistan.<sup>6</sup> But with the withdrawal of international troops all but completed by the end of 2014 and other crises grabbing international headlines, the situation in Afghanistan has fallen away from global attention. Afghans are more desperate to leave than ever – on any given day, hundreds of people are lined up in long queues outside the passport office in Kabul.<sup>7</sup>

Even less well known is the scale of the growing crisis of internal displacement within Afghanistan. Farzana is just one of many hundreds of thousands of Afghans who flee violence that still remain inside their country's borders. An indicator of how desperate the situation has become is the fact that the number of internally displaced people has more than doubled in three years. There are, as of April 2016, a staggering 1.2 million people displaced within the country. This is a substantial increase compared to the end of 2012, when these numbers stood at almost 500,000.<sup>8</sup> In the first four months of 2016 alone, 118,000 people had fled their homes of whom approximately 80% required emergency humanitarian assistance – this is an average of nearly one thousand newly displaced people per day.<sup>9</sup>

In 2012, Amnesty International released *Fleeing war, finding misery: The plight of the internally displaced in Afghanistan*, which documented the horrific reality facing displaced communities.<sup>10</sup> Those forced to flee their homes, by and large, lived in squalid conditions and were often housed in makeshift shelters with no protection from the hot summers and cold winters, did not have enough food or water to get through the day, and only received minimal aid, if any at all. They were routinely denied access to essential services like health care and education, and many said they lived on the brink of survival. The report outlined how the Afghan government had, by and large, failed to meet its international obligations to protect the human rights of those displaced in its own country.

In 2014, the Afghan government did endorse a new National Policy on Internally Displaced Persons,<sup>11</sup> raising hopes of displaced people and their advocates that the situation would change. At least three years in the making, the Policy was widely hailed not only as a landmark document for IDP rights in Afghanistan but also internationally as one of the most comprehensive documents that had ever been produced on the protection and assistance of internally displaced people. The Policy spells out the human rights of those displaced and affirms the Afghan government's primary responsibility to protect them. Crucially, it also sets out concrete steps the Afghan authorities should take to fulfil those rights, and assigns roles and responsibilities across the Afghan government to achieve this.

This 2016 report – *“My children will die this winter”: Afghanistan's broken promise to the displaced* – evaluates the implementation of the IDP Policy so far and provides an update on the situation facing those forced to flee their homes in Afghanistan since our 2012 report. It is based on visits to Afghanistan in November 2015 and February 2016, when Amnesty International delegates interviewed more than 100 displaced people; government officials; international aid workers; and other relevant actors.

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<sup>4</sup> United Nations High Commissioner for Refugees (UNHCR), Afghan Solutions Strategy, available at <http://www.unhcr.org/pages/4f9016576.html>.

<sup>5</sup> Eurostat, “Record number of over 1.2 million first time asylum seekers registered in 2015”, 4 March 2016, available at <http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6>.

<sup>6</sup> UNHCR Factsheet on Pakistan April 2016, available at <http://unhcrpk.org/wp-content/uploads/2013/12/UNHCR-Pakistan-Fact-sheet-April-20161.pdf>; UNHCR, Islamic Republic of Iran, available at <http://reporting.unhcr.org/node/2527>.

<sup>7</sup> Tolo News, “Afghans Queue For Passports to Flee Country”, 11 August 2015, available at:

<http://www.tolonews.com/afghanistan/20856-afghans-queue-for-passports-to-flee-country?lang=en>.

<sup>8</sup> UNAMA, “Afghanistan annual report 2012: Protection of civilians in armed conflict”, February 2013, available at [http://unama.unmissions.org/sites/default/files/2012\\_annual\\_report\\_eng\\_0.pdf](http://unama.unmissions.org/sites/default/files/2012_annual_report_eng_0.pdf); UNAMA, “Afghanistan annual report 2015: Protection of civilians in armed conflict”, February 2016, available at

[http://unama.unmissions.org/sites/default/files/poc\\_annual\\_report\\_2015\\_final\\_14\\_feb\\_2016.pdf](http://unama.unmissions.org/sites/default/files/poc_annual_report_2015_final_14_feb_2016.pdf) (UNAMA, Protection of civilians 2015).

<sup>9</sup> OCHA, “Humanitarian Bulletin Afghanistan, Issue 51, 01-30 April 2016”, available at

[https://www.humanitarianresponse.info/en/system/files/documents/files/afg\\_humanitarian\\_bulletin\\_2016\\_april.pdf](https://www.humanitarianresponse.info/en/system/files/documents/files/afg_humanitarian_bulletin_2016_april.pdf).

<sup>10</sup> Amnesty International, *Fleeing war, finding misery: The plight of the internally displaced in Afghanistan* (Index: ASA 11/001/2012), 23 February 2012, available at <https://www.amnesty.org/en/documents/ASA11/001/2012/en/> (Amnesty, *Fleeing war*).

<sup>11</sup> The Government of the Islamic Republic of Afghanistan, National Policy on Internally Displaced Persons, 25 November 2013, available at [http://morr.gov.af/Content/files/National%20IDP%20Policy%20-%20FINAL%20-%20English\(1\).pdf](http://morr.gov.af/Content/files/National%20IDP%20Policy%20-%20FINAL%20-%20English(1).pdf). From here on referred to as “the IDP Policy” or simply “the Policy”, or cited as “IDP Policy”.

## THE IDP POLICY: A FAILED PROMISE

Amnesty International finds that the Policy has not delivered for IDPs. Despite the comprehensive approach outlined, very little has happened in practice. In essence, the policy is a failed promise. In fact, the situation for those who are internally displaced has worsened in the period since the Policy was introduced.

More than two years after being endorsed by the government, implementation has hardly gotten off the ground. Rather than a national rollout as was first imagined, the government and the international community in 2014 took the decision to pilot the Policy in three provinces: Balkh, Herat and Nangarhar. Yet even in these provinces the implementation process has stalled, and the action plans that are meant to translate the Policy into reality are still being drafted.<sup>12</sup>

There are several interlinked reasons for the failure to implement the Policy. It was launched at a time of political turmoil in Afghanistan when the government of President Hamid Karzai was on its way out in 2014. The months of uncertainty and political squabbling that followed the disputed presidential elections, which eventually saw a new incoming administration led by President Ashraf Ghani, meant that the Policy was never considered a priority, and the implementation was stalled. At the same time, the security situation deteriorated sharply across large parts of Afghanistan with the resurgence of the Taliban and other armed groups, meaning that the government's already limited resources were focused elsewhere.

Much of the failure to implement the policy is also due to a lack of political will and capacity in the Afghan government. The Ministry of Refugees and Repatriation (MoRR), charged with co-ordinating the implementation of the Policy and developing a national action plan for its rollout, has been beset by corruption allegations for years from multiple credible sources, to the point that some international actors have stopped providing it with monetary aid. Furthermore, the Ministry lacks both the resources and the expertise to lead on a task as demanding and complex as implementing a nationwide policy that is meant to benefit more than one million displaced people.<sup>13</sup>

There is also a lack of commitment and engagement from other Afghan ministries which are essential to the successful rollout and implementation of this Policy. In addition, there is a clear need for a thorough training program on the rights and needs of IDPs, as well as the roles and obligations of various supporting ministries outlined in the Policy. The Policy tasks several line ministries with developing programs and allocating budgets specifically for displaced people, but as far as Amnesty International is aware, this has not happened yet. Outside of the MoRR, several government officials still did not see how displaced people were a responsibility for their departments. In part, this is because in some instances highly placed government officials in relevant departments were not aware of the Policy at all.<sup>14</sup> The same was true among the communities of displaced we visited, as none of the more than 100 displaced people Amnesty International interviewed even knew that the Policy existed.

Key international actors could, and should, also play a more prominent role in ensuring that the Policy becomes reality. International interest in Afghanistan is fading and many key international aid and development organisations working for those internally displaced have seen their budgets cut in recent years. But although implementing the Policy is a process that is led and owned by the Afghan government, many actors – both Afghan, and international civil society and organisations – spoke of the need for stronger direction and to establish an international focal point that could lend expertise and momentum to the process.

## GROWING NEEDS OF INTERNALLY DISPLACED PEOPLE

While the implementation process of the Policy has been piecemeal, those displaced in Afghanistan continue to suffer. For this report we went back to the same communities that we interviewed for our 2012

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<sup>12</sup> See section 3.3: "The current situation".

<sup>13</sup> See section 3.4: "Obstacles to implementation".

<sup>14</sup> See section 3.4.3: "The role of other ministries".



report, and found that they faced the same struggles as three years ago, and in many ways their situation had actually become more difficult.

The growing number of displaced people means that there is more competition for the meagre resources available to them, leading to fewer employment opportunities and less availability of essentials like food. The dwindling resources of both the Afghan government and international actors is clear as most people reported receiving less aid than three years ago. In 2015, the total amount funded of the UN Humanitarian Response Plan (HRP) in Afghanistan was USD292 million, the lowest since 2009.<sup>15</sup>

Many of the displaced people Amnesty International interviewed for this report lived on the brink of starvation with little access to basic services. The approaching winter was a huge cause for concern, since the makeshift mud huts or tents did not offer enough protection from the cold. The threat of being forcibly evicted, by both government and private actors, remained a constant menace.

## RECOMMENDATIONS

To address the human rights violations that internally displaced people experience, Amnesty International calls on the government of Afghanistan to:

- As a matter of priority, provide for the immediate needs - including shelter, food, water and health care - for those who are internally displaced, seeking international assistance and support if necessary.
- Ensure that the IDP Policy is treated as a priority, and that those institutions responsible for its implementation are given the resources (financial, technical and personnel) they require.
- Continue and expand comprehensive training and awareness raising programmes across the Afghan government – at central, provincial and municipal level – to ensure that officials are aware of the IDP Policy, the human rights of those internally displaced, and their responsibility to protect them as set out in the Policy.
- Given the lack of resources and capacity in the Afghan government, key international actors need to lend more expertise and impetus towards implementing the Policy and providing assistance to IDPs.

## METHODOLOGY

This report is based on two research missions to Afghanistan in November 2015 and February 2016, each two weeks in length. The Amnesty International delegation conducted interviews with more than 100 displaced individuals in IDP camps and settlements in Herat, Kabul and Mazar-e-Sharif.

We visited the same communities as we did for our 2012 report to get a sense of how their situation had changed over almost four years. Amnesty International interviewed men, women and children of varying ages from a range of different ethnic, geographical and socio-economic backgrounds in order to get a representative sample of opinion and experience that is as broad as possible. The vast majority of the people we interviewed had no previous connection to each other. Although the number of people interviewed represents a small fraction of the total population of those displaced by conflict, their accounts are consistent with, and have been verified against, reports by NGOs and others who have monitored the situation in communities other than those specifically visited by Amnesty International for this report.<sup>16</sup>

Interviews with internally displaced persons were voluntary, confidential and followed a semi-structured format, and those interviewed knew they would receive no compensation for providing their accounts. The interviews were conducted in Dari, English or Pashto, with professional interpretation where necessary. The

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<sup>15</sup> Financial Tracking Services, Afghanistan 2016, available at <https://fts.unocha.org/pageloader.aspx?page=emerg-AlternativeCost1EmergencyDetails&appealid=1131&emergID=16612>.

<sup>16</sup> Other organisations which have done extensive reporting on IDPs in Afghanistan include Samuel Hall, NRC and various UN agencies. Specific sources are cited in footnotes throughout this report.

interviewees were informed that their accounts would be kept confidential – the names of those interviewed have been changed to protect their anonymity, except for when consent was given to use their actual names. At times, information in citations has been kept deliberately vague to protect the identity of those interviewed.

Amnesty International visited the following settlements:

- In **Kabul**: Chaman-e-Babrak is an informal settlement in the north of the city that is home to some 700 families. We also visited Charahi Qambar, an informal settlement in western Kabul which houses 800-1,000 families. Conditions in both settlements are similar, as both are overcrowded and residents live in huts usually constructed by a mixture of mud bricks and tarpaulin. (Two other settlements visited by Amnesty International in 2011, Bagh-e-Dawood and Parwan-e-Se, no longer exist);
- In **Herat**: Maslakh (3,500 families), Shaidayee (2,000 families) and Minarets (500 families) are all camps established for people displaced by the civil war in Afghanistan. Most camp residents live in mud brick houses that are in better condition than in the settlements in Kabul; and
- In **Mazar-e-Sharif**: We visited former residents of Shertkat-e- Kamaz and Balkh camps who now live scattered throughout the city and its outskirts since the settlements were destroyed in 2011. The displaced communities live in very different conditions, as some have been able to rent simple houses while others have built their own mud brick huts.

All of the camps and settlements are located in territory controlled by the government, as opposed to an armed group like the Taliban. However, in Kabul in November 2015 we were also able to speak with 18 individuals who had been displaced during the Taliban's brief takeover of Kunduz earlier in the year, but who had yet to be able to return. In February 2016 the delegates also met and interviewed newly displaced communities in Mazar-e-Sharif who had fled recent fighting in Faryab province.

Amnesty International delegates also met with a range of stakeholders inside and outside of Afghanistan, including UN agencies dealing with refugees, humanitarian affairs and sustainable human settlements (respectively UNHCR, OCHA and UN-Habitat); Afghan government officials at central and provincial level (Ministry of Refugees and Repatriation, Ministry of Finance, Ministry of Education, municipalities of Herat and Mazar-e-Sharif); and international and Afghan civil society representatives (including the Norwegian Refugee Council, Samuel Hall and the Afghanistan Independent Human Rights Commission). This report relies on statistics from UNHCR on the number of IDPs in Afghanistan. Although the UNHCR data is the most widely used, there is a general agreement that it has limitations. The numbers are cumulative, meaning that newly displaced people are registered but it is difficult to check if those registered in the past are still displaced. In addition, the expanding conflict means that many areas of the country are too insecure to access, making the registration of displaced people there extremely challenging. It is likely that the actual number of such people could be much higher across Afghanistan.

The report also draws on extensive desk research and a literature review of the work of Amnesty International and other organisations concerning internally displaced people in Afghanistan.

Amnesty International extends its thanks to the individuals and organizations who consented to meet with its delegates and provide information for this report. In particular, the organisation wishes to extend its deep appreciation to the displaced people who shared their stories and trusted Amnesty International to raise their concerns. Their contributions have been crucial to identifying policy and other recommendations. If interviewees have consented, their real names are used. Otherwise names and other identifying information have been withheld for safety and confidentiality reasons. The information in this report is current as of April 2016.

# 2. BACKGROUND: GROWING VIOLENCE, GROWING DISPLACEMENT

## 2.1 THE EXPANDING CONFLICT

**“The people of Afghanistan continue to suffer brutal and unprincipled attacks that are forbidden under international law. This is happening with almost complete impunity.”**

Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights, 14 February 2016, on the launch of a UNAMA report documenting a record high number of civilian casualties.<sup>17</sup>

Afghanistan has been gripped by conflict for almost 40 years. The Soviet invasion of the country in 1979 sparked a decade of increasingly brutal civil war, as resistance fighters (*mujahideen*) backed by the USA, Pakistan, Saudi Arabia and other international actors, challenged the Soviet presence. After the Soviet withdrawal in 1989, fighting between competing *mujahideen* factions intensified and led to a renewed civil war in 1992 after the resignation of the then-President Mohammad Najibullah. It was in this power vacuum that the Taliban emerged, who grew from a small movement in the southern Kandahar province to capture almost all of the country in 1996. The US-led invasion in 2001 which toppled the Taliban was followed by a few years of relative peace, but the conflict has since taken a sharp turn for the worse.

The years since Amnesty International's last report on displacement in 2012 have been the most violent on record since 2001. As international troops have left the country, Afghan security forces are leading the fight against anti-government groups like the Taliban, who are arguably at their strongest since their ouster in 2001. Politically, Afghanistan has since 2014 been led by a Government of National Unity under President Ashraf Ghani and CEO Abdullah Abdullah. The country completed its first-ever democratic handover of

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<sup>17</sup> UNAMA, “Civilian casualties hit new high in 2015”, 14 February 2016, available at <https://unama.unmissions.org/civilian-casualties-hit-new-high-2015>.

power in 2014, but the disputed 2014 presidential elections and fractures in the new government have contributed to political instability.

It is, unsurprisingly, civilians who have borne the brunt of the rising levels of violence. The level of civilian casualties is at a record high, with the UN Assistance Mission to Afghanistan (UNAMA) reporting that 2015 was the most dangerous year on record for civilians since 2009 when it started collecting such statistics. UNAMA documented at least 11,002 casualties (3,545 deaths and 7,457 injured) in 2015, a 4% increase on 2014 (10,534), but a jump of 21% from 2013 (8,638). Armed opposition groups like the Taliban were responsible for 62% of casualties in 2015 with 17% attributed to the actions of pro-government forces both Afghan and international.<sup>18</sup>

Casualty numbers alone, however, do not tell the full story of the toll the violence has taken on civilians. The nature of the conflict has also changed in several important aspects which has fuelled increased displacement.

The international troop withdrawal in Afghanistan was all but completed by the end of 2014, with the small remnant of NATO forces left in the country mainly playing an advisory role and not taking an active part in combat.<sup>19</sup> Instead, the Afghanistan National Security Forces (ANSF) have assumed full responsibility for security. Over the past years, ground engagement between ANSF and anti-government armed groups has increased significantly – both because ANSF lack the level of air support that NATO used to provide, and because anti-government groups have stepped up such attacks.<sup>20</sup> This has had devastating consequences for ordinary Afghans, who are often caught in the crossfire, driving up civilian casualties significantly and contributing to higher levels of internal displacement.

The Taliban are arguably at their strongest since being ousted in 2001, and control more territory than at any point over the past 15 years.<sup>21</sup> The group has become more audacious in its attacks, and is for the first time since 2001 genuinely threatening to seize control of provincial capitals – as it did during the brief capture of Kunduz in late September and early October 2015.<sup>22</sup>

Furthermore, the conflict theatre has expanded geographically, shifting from its traditional hot spots in the south and south-east to encompass much of the north and centre of the country as well. UNAMA, for example, documented more than twice as many civilian casualties in the north-east in 2015 and only a slight decrease in the south, although the southern region still saw the highest overall number of civilian casualties.<sup>23</sup>

Another key development is the fragmentation of the conflict landscape with a number of new anti-government actors emerging, sometimes referred to as “mujahedinism”. The announcement of the death of Taliban Supreme Commander Mullah Omar in June 2015, which had been kept a secret for at least two years by the Taliban leadership, intensified already growing splits in the movement.<sup>24</sup> Many commanders openly challenged the authority of new Taliban leader Muhammed Akhtar Mansour. The most notable split took place in November 2015 with the announcement of a new breakaway faction under the leadership of veteran commander Muhammad Rasul.<sup>25</sup> The result has been growing intra-insurgency clashes (so-called “black-on-black” attacks) throughout 2015 and into 2016, which often affect civilian populations living in the conflict areas such as Helmand and Herat.<sup>26</sup>

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<sup>18</sup> UNAMA, Protection of civilians 2015.

<sup>19</sup> Since 1 January 2015 most international troops in Afghanistan have operated under the NATO-led Operation Resolute Support (RS), which is focused on training and counter-terror operations. As of April 2016, RS consisted of some 12,500 troops, including almost 7,000 from the USA. See more at Afghanistan Resolute Support Mission, Troop Numbers and Contributions, available at <http://www.rs.nato.int/troop-numbers-and-contributions/index.php>.

<sup>20</sup> UNAMA, “Civilian casualties in Afghanistan rise by 22 per cent in 2014”, 18 February 2015, available at <https://unama.unmissions.org/civilian-casualties-afghanistan-rise-22-cent-2014>.

<sup>21</sup> Sarah Almkhatar and Karen Yourish, “14 Years After U.S. Invasion, the Taliban Are Back in Control of Large Parts of Afghanistan,” *New York Times*, 16 Oct 2015, available at [http://www.nytimes.com/interactive/2015/09/29/world/asia/afghanistan-taliban-maps.html?\\_r=3](http://www.nytimes.com/interactive/2015/09/29/world/asia/afghanistan-taliban-maps.html?_r=3).

<sup>22</sup> Rod Nordland, “Taliban End Takeover of Kunduz After 15 Days,” *New York Times*, 13 October 2015 available at [http://www.nytimes.com/2015/10/14/world/asia/taliban-afghanistan-kunduz.html?\\_r=0](http://www.nytimes.com/2015/10/14/world/asia/taliban-afghanistan-kunduz.html?_r=0).

<sup>23</sup> UNAMA, Protection of civilians 2015, p. 8.

<sup>24</sup> Borhan Osman, “Toward Fragmentation? Mapping the post-Omar Taliban”, Afghanistan Analysts Network, 24 November 2015, available at <https://www.afghanistan-analysts.org/toward-fragmentation-mapping-the-post-omar-taliban/>.

<sup>25</sup> “Afghan Taliban splinter group names Mullah Rasool as leader”, BBC, 4 November 2015, available at <http://www.bbc.co.uk/news/world-asia-34719314>.

<sup>26</sup> Jawed Zeyartjahi, “11 Dead As Rival Taliban Factions Fight It Out In Herat”, Tolo News, 7 December 2015, available at <http://www.tolonews.com/en/afghanistan/22697-11-dead-as-rival-taliban-factions-fight-it-out-in-herat>.

There have also been growing reports of militants claiming allegiance to the armed group that calls itself the Islamic State (IS) over the past two years. In particular in the eastern Nangarhar province, apparently IS-affiliated groups have engaged in clashes with both pro- and anti-government forces in 2015, leading to the displacement of tens of thousands of civilians.<sup>27</sup> It is, however still unclear what formal links, if any, these groups have to IS “central command” in Syria, or if they mainly represent disgruntled former Taliban groups who have taken it upon themselves to fight under the black IS flag.<sup>28</sup>

Although the current Ashraf Ghani-led government has increased efforts to hold peace talks with the Taliban, little concrete has been achieved so far. Nascent attempts at political reconciliation were thrown into disarray in June 2015 following the announcement of the death of Mullah Omar and the subsequent Taliban leadership struggle. The governments of Afghanistan, China, Pakistan and the USA have established a Quadrilateral Coordination Group (QCG) to facilitate peace talks with the insurgents but little progress has been made.<sup>29 30</sup>

There is little evidence that points to an imminent reduction in violence or the conflict subsiding over the coming years. The ongoing conflict, evident from the above dynamics, ensures that displacement is likely to continue to rise in the near future, and is a critical human rights issue that must be tackled urgently.

## 2.2 INCREASED DISPLACEMENT

### Number of conflict-induced IDPs in Afghanistan at the end of each year<sup>31</sup>

2015	1.17 million
2014	805,000
2013	631,300
2012	486,300
2011	447,500
2010	351,900

There are, as of April 2016, a staggering **1.2 million people** displaced within the country. In the first four months of 2016 alone, 118,000 people had fled their homes, of which approximately 80% required emergency humanitarian assistance – this is an average of nearly one thousand people per day displaced

<sup>27</sup> UNHCR, “Major situations of conflict-induced displacement in the first months of 2016 - Summary note for Afghanistan Protection Cluster”, 24 February 2016, p. 1, available at [http://www.unhcr.af/UploadDocs/DocumentLibrary/UNHCR\\_Summary\\_note\\_on\\_conflict\\_IDPs\\_APC\\_24.02.2016\\_6359242160390500.pdf](http://www.unhcr.af/UploadDocs/DocumentLibrary/UNHCR_Summary_note_on_conflict_IDPs_APC_24.02.2016_6359242160390500.pdf).

<sup>28</sup> See Arif Rafiq, “What Happened to ISIS’s Afghanistan-Pakistan Province?”, *The Diplomat*, 2 February 2016, available at <http://thediplomat.com/2016/02/what-happened-to-isis-afghanistan-pakistan-province/>; or Olof Blomqvist, “ISIL in Afghanistan? Not so fast”, *Al Jazeera*, 6 May 2015 available at <http://www.aljazeera.com/indepth/opinion/2015/05/isil-afghanistan-taliban-jalalabad-150506073802616.html>.

<sup>29</sup> Although the Mullah Mansour-led faction of the Taliban initially appeared somewhat open to a political dialogue, it has hardened its stance in recent months, and in February 2016 stated that all foreign troops leaving Afghanistan was a non-negotiable pre-condition to any peace talks. See Ali M Latifi and Mohammad Zubair Khan, “Taliban confirms death of Mullah Omar as it pulls out of peace talks”, *The Telegraph*, 30 July 2015, available at <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/11772994/Taliban-indicate-pullout-of-peace-talks-in-Pakistan-as-group-appoints-new-leader.html>; and Ayaz Gul, “Afghan Taliban Urged to Join Peace Talks Without Conditions”, *Voice of America*, 8 March 2016, available at <http://www.voanews.com/content/afghan-taliban-urged-to-join-peace-talks-without-conditions/3225594.html>.

<sup>30</sup> Amnesty International has frequently urged the Afghan government not to compromise on human rights in any peace deal with the Taliban and highlighted our concerns on how the voices of women have already been marginalised in the talks Afghanistan. See more at Amnesty International, “UNAMA Mandate Extension a Clear Reminder to Prioritise Human Rights in Afghanistan”, 18 March 2016, available at <https://www.amnesty.org/en/documents/asa11/1231/2015/en/>.

<sup>31</sup> UNAMA, *Protection of Civilians 2015*, p. 23; UNAMA, *Afghanistan Annual Report 2014: Protection of Civilians in Armed Conflict*, February 2015, p. 9, available at <http://unama.unmissions.org/sites/default/files/2014-annual-report-on-protection-of-civilians-final.pdf>; UNAMA, *Afghanistan Annual Report 2013: Protection of Civilians in Armed Conflict*, February 2014, p. 12, available at [http://unama.unmissions.org/sites/default/files/feb\\_8\\_2014\\_poc-report\\_2013-full-report-eng.pdf](http://unama.unmissions.org/sites/default/files/feb_8_2014_poc-report_2013-full-report-eng.pdf); UNAMA, *Afghanistan Annual Report 2012: Protection of Civilians in Armed Conflict*, February 2013, p. 13, available at [http://unama.unmissions.org/sites/default/files/2012\\_annual\\_report\\_eng\\_0.pdf](http://unama.unmissions.org/sites/default/files/2012_annual_report_eng_0.pdf); UNHCR, *UNHCR Annual Global Report 2011: Afghanistan*, p. 211, available at <http://www.unhcr.org/4fc880b20.html>; UNHCR, *UNHCR Annual Global Report 2010: Afghanistan*, available at <http://www.unhcr.org/4dfdbf5116.html>; UNHCR, *UNHCR Annual Global Report 2009: Afghanistan*, p. 188, available at <http://www.unhcr.org/4c08f18c9.html>.

due to the conflict.<sup>32</sup> It is important to note that these statistics are the highest figures recorded since 2002, when millions of Afghan displaced people and refugees returned to their homes following the fall of the Taliban the year before. In 2015 alone more than 335,000 people were displaced due to the conflict, a 78% increase on 2014.

The past three years have seen an alarming increase in civilians who have been forced to flee their homes as a result of the conflict. The number of people displaced through conflict was estimated at the end of 2015 to number more than 1.17 million, compared to some 500,000 at the end of 2012.<sup>33</sup>

The geographical spread of fighting across Afghanistan has also meant that displacement has risen hugely in the north, north-east and west, in particular in provinces including Badakshan, Baghlan, Kunduz and Takhar. The Taliban's brief takeover of Kunduz in September 2015, for example, led an estimated 13,000 families to flee the city.<sup>34</sup> Although humanitarian agencies estimated that by November 2015 at least 90% had been able to return, many families were still unable to do so. These were mainly government workers, human rights activists or others who fear their activities might make them a target for the Taliban were the insurgents to try to recapture the city.<sup>35</sup>

Another important characteristic of this displacement is its long term nature, which is a hallmark of the Afghan conflict. Many people who have been forced from their homes are unable to return for a long time, leaving the country with a high so-called "protracted caseload". As of the end of May 2015, almost 60% of the displaced population had been living as IDPs since 2012 or earlier, while as of mid-2012, an estimated 74,000 people had been doing so since before 2003.<sup>36</sup> Decades of conflict mean that almost every family in Afghanistan has experienced being driven from their homes at some point. According to a survey by the International Committee of the Red Cross (ICRC) from 2009, 76% of Afghans had experienced some form of displacement at least once during their lives.<sup>37</sup> Many families have also experienced several waves of displacement, making it even harder to track and register people displaced in the country.

In addition, displacement as a result of natural disasters has also been a key driver of movement. This was particularly the case after the devastating earthquakes in October and December 2015 which affected tens of thousands of people. The UN estimates that some 250,000 people are affected by natural disasters in Afghanistan – such as flooding, droughts and earthquakes - every year.<sup>38</sup>

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<sup>32</sup> OCHA, "Humanitarian Bulletin Afghanistan, Issue 51, 01-30 April 2016", available at [https://www.humanitarianresponse.info/en/system/files/documents/files/afg\\_humanitarian\\_bulletin\\_2016\\_april.pdf](https://www.humanitarianresponse.info/en/system/files/documents/files/afg_humanitarian_bulletin_2016_april.pdf).

<sup>33</sup> UNAMA, *Afghanistan Annual report 2012 Protection of civilians in armed conflict*, February 2013, available at [http://unama.unmissions.org/sites/default/files/2012\\_annual\\_report\\_eng\\_0.pdf](http://unama.unmissions.org/sites/default/files/2012_annual_report_eng_0.pdf); UNAMA, "Afghanistan Annual report 2015 Protection of civilians in armed conflict"; UNAMA, *Protection of civilians 2015*.

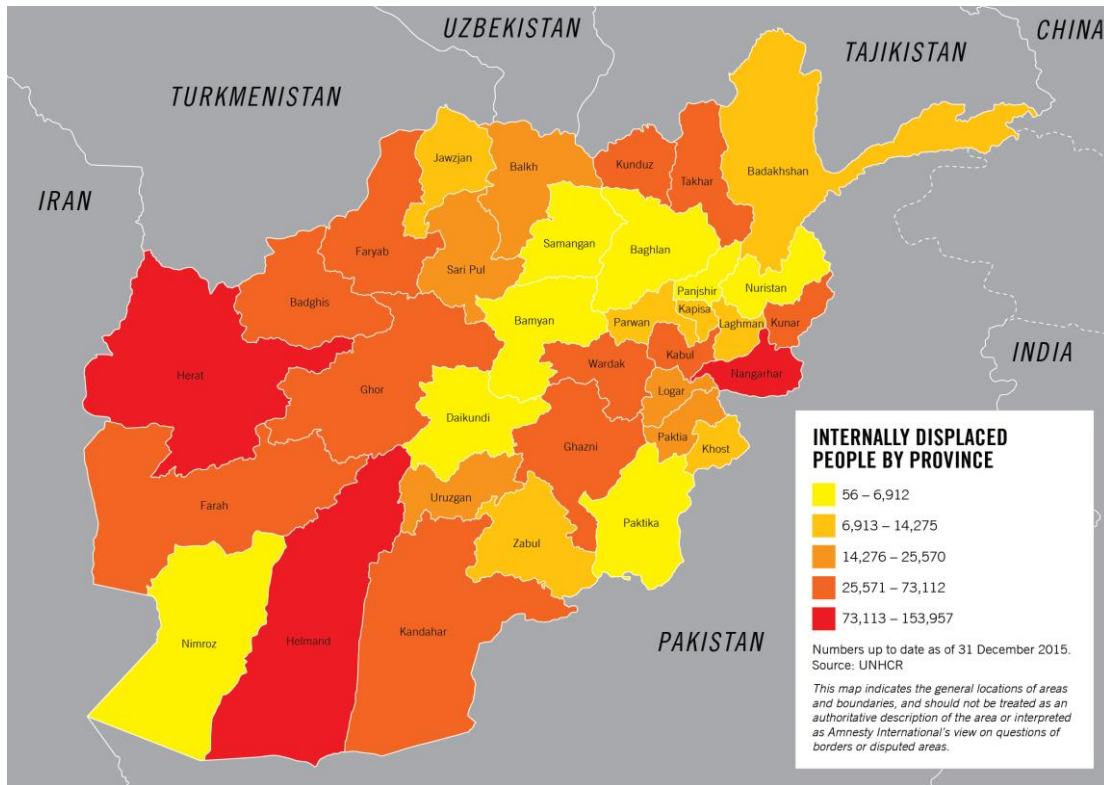
<sup>34</sup> UNAMA, "Afghanistan human rights and protection of civilians in armed conflict- Special Report on Kunduz Province", 12 December 2015, p. 3, available at [https://unama.unmissions.org/sites/default/files/special\\_report\\_on\\_kunduz\\_province\\_12\\_december\\_2015.pdf](https://unama.unmissions.org/sites/default/files/special_report_on_kunduz_province_12_december_2015.pdf).

<sup>35</sup> Amnesty International interviews in Kabul, November 2015.

<sup>36</sup> UNHCR, "Conflict-Induced Internal Displacement Monthly Update", May 2015 available at <https://www.humanitarianresponse.info/en/operations/afghanistan/document/unhcr-monthly-idp-update-may-2015>; Anne-Kathrin Glatz, "Afghanistan: New and long-term IDPs risk becoming neglected as conflict intensifies", IDMC, 16 July 2015, available at: <http://www.internal-displacement.org/south-and-south-east-asia/afghanistan/2015/afghanistan-new-and-long-term-idps-risk-becoming-neglected-as-conflict-intensifies>.

<sup>37</sup> ICRC, *Afghanistan: Opinion Survey and In-depth Research*, June 2009, p. 22, available at <https://www.icrc.org/eng/assets/files/2011/afghanistan-opinion-survey-2009.pdf>.

<sup>38</sup> International Organization for Migration, "IOM Aid Reaches Remote Afghan Village Hit by Deadly Landslide", 1 May 2015, available at <https://afghanistan.iom.int/press-releases/iom-aid-reaches-remote-afghan-village-hit-deadly-landslide>.



# 3. THE IDP POLICY

**“It’s really a desperate situation. It’s people who are almost deprived of identity. They have nowhere to go, and nobody to help them, nobody to protect them. [...] Everybody would love to have [IDPs] go back to the village they came from, or to the province they came from. And in many cases it’s not possible because facts on the ground have changed the situation, and there is nowhere for them to go back to. The government needs to have a comprehensive policy, in which IDPs are no longer IDPs, but Afghan citizens who are facing problems of no housing, no job, no education, no water.”**

First Lady Rula Ghani, speaking in November 2014.<sup>39</sup>

When the National IDP Policy was adopted by the Afghan government in February 2014, it was widely welcomed by both Afghan and international actors as offering a ray of hope for the country’s displaced people. Civil society organizations had for years been advocating for such a policy.

More than two years on, the Policy, however, has not lived up to its promise. Implementation has been extremely limited while the situation for those forced to flee their homes has only worsened. The following chapter will outline the current status of the IDP Policy and the complex and interlinked reasons for the failure to implement it.

## 3.1 A NEW HOPE: THE DEVELOPMENT OF THE IDP POLICY

As a country that has been at almost continuous war for the last 40 years, Afghanistan has grappled with high levels of displacement for much of its modern history. The 2001 US-led invasion and toppling of the Taliban was followed by a few years of relative stability, when millions of Afghan returnees and displaced

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<sup>39</sup> Sune Engel Rasmussen, “Rula Ghani, the woman making waves as Afghanistan’s new first lady “, *Guardian*, 6 November 2014, available at <http://www.theguardian.com/world/2014/nov/06/rula-ghani-afghan-first-lady>.



people were able to return to their country and home communities. However, as the conflict intensified from 2004 when the Taliban insurgency re-emerged, the number of internally displaced once again increased.<sup>40</sup>

Post-2001 Afghanistan, however, lacked a specific legal mechanism that outlined and protected the human rights of IDPs. Instead, their rights were to an extent enshrined in other laws, the Afghan constitution and various presidential decrees.<sup>41</sup> While Afghan authorities in the early 2000s did launch a number of initiatives that amounted to action plans to serve the needs of those displaced, such as a National IDP Plan and Policy endorsed in 2005, these invariably had little positive impact on the ground and were allowed to lapse.<sup>42</sup>

With the intensifying conflict triggering new waves of displacement, pressure mounted on the Afghan government to create a national policy for those affected. However, as the Brookings Institution and others have noted, laws are often not enough to meet the needs of internally displaced people on their own, but must be accompanied by policies that spell out concrete action plans.<sup>43</sup>

Finalising the policy was, however, far from a straightforward process, not least because of resistance from many elements within the Afghan government. In its 2012 report, Amnesty International documented a “de facto policy of denial” from many Afghan government officials towards displaced people. Governors, mayors and other local authorities were largely opposed to local integration or resettlement, and preferred “return” as the only solution. These officials often sought to reclassify those displaced as economic migrants. Or some even denied that IDPs existed in their areas in order to avoid having to assume responsibility for their protection and aid, all as a way to prevent displaced people from resettling permanently.<sup>44</sup> A UN official who was closely involved in the process of drafting the Policy also outlined other obstacles, including a lack of capacity in the MoRR; next to no input from other relevant line ministries; a lack of engagement from national civil society actors; and the difficulty in holding meaningful consultations with internally displaced people themselves since the communities did not have representational structure to express collective views.<sup>45</sup>

Work on the Policy started in earnest after the unusually cold winter of 2011 to 2012 when the issue of displaced people in Afghanistan gained international attention due to the harsh conditions in Kabul settlements, which resulted in dozens of displaced children freezing to death from the cold.<sup>46</sup>

In February 2012, then-President Hamid Karzai and the Afghan Cabinet tasked a group of stakeholders, led by the MoRR, to develop a comprehensive national IDP policy.<sup>47</sup> Key figures in the Afghan government and UNHCR ensured that the process gained new momentum and brought the relevant actors in the Afghan government together.<sup>48</sup> The MoRR hosted a national consultative workshop on the development of an IDP policy in Kabul in 2012, attended by the UN Special Rapporteur on the Human Rights of IDPs, Dr. Chaolka Beyani.<sup>49</sup> The drafting process started shortly after, but the final policy document was delayed as ministries, which had to co-implement the provisions, asked for a number of revisions at a second national workshop in Kabul in May 2013.<sup>50</sup>

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<sup>40</sup> Elizabeth Ferris, Erin Mooney and Chareen Stark, “From Responsibility to Response: Assessing National Approaches to Internal Displacement”, The Brookings Institution – London School of Economics Project on Internal Displacement, November 2011, p. 260, available at <http://www.brookings.edu/~media/research/files/reports/2011/11/responsibility-response-ferris/from-responsibility-to-response-nov-2011.pdf> (Ferris, Mooney and Stark).

<sup>41</sup> Chapter 4 discusses in more detail how the Afghan legal framework relates to specific rights. See also Brookings-Bern Project on Internal Displacement and NRC, *Realizing National Responsibility for the Protection of Internally Displaced Persons in Afghanistan*, November 2010, available at [http://www.brookings.edu/~media/research/files/reports/2010/11/afghan%20national%20responsibility/20110211\\_afghan\\_national\\_responsibility.pdf](http://www.brookings.edu/~media/research/files/reports/2010/11/afghan%20national%20responsibility/20110211_afghan_national_responsibility.pdf).

<sup>42</sup> Ferris, Mooney and Stark, p. 80.

<sup>43</sup> Ferris, Mooney and Stark, p. 75; and Nina Schrepfer and Dan Tyler, “Afghanistan consults on an IDP policy”, *Forced Migration Review*, August 2012, available at <http://www.fmreview.org/young-and-out-of-place/schrepfer-tyler.html>.

<sup>44</sup> Amnesty, *Fleeing war*, p. 65.

<sup>45</sup> Amnesty, *Fleeing war*, p. 65.

<sup>46</sup> Laurie S Wiseberg, “An IDP Policy for Afghanistan: from draft to reality”, *Forced Migration Review*, May 2014, available at <http://www.fmreview.org/afghanistan/wiseberg.html>.

<sup>47</sup> Rod Nordland, “Driven Away by a War, Now Stalked by Winter’s Cold”, *New York Times*, 3 February 2012, available at [www.nytimes.com/2012/02/04/world/asia/cold-weather-kills-children-in-afghan-refugee-camps.html?\\_r=0](http://www.nytimes.com/2012/02/04/world/asia/cold-weather-kills-children-in-afghan-refugee-camps.html?_r=0).

<sup>48</sup> IDMC, “Hope on the Horizon: Media Guide to Afghanistan National Policy on Internal Displacement”, February 2014, available at <http://www.internal-displacement.org/publications/2014/hope-on-the-horizon>.

<sup>49</sup> Christine Roehrs, “On the Run without Aid: The much delayed policy on Afghanistan’s internally displaced”, Afghanistan Analysts Network, 20 October 2013, available at <https://www.afghanistan-analysts.org/on-the-run-without-aid-the-much-delayed-policy-on-afghanistans-internally-displaced/>.

<sup>50</sup> Nina Schrepfer and Dan Tyler, “Afghanistan consults on an IDP policy”, *Forced Migration Review*, August 2012 available at <http://www.fmreview.org/young-and-out-of-place/schrepfer-tyler.html>.

<sup>51</sup> Christine Roehrs, “On the Run without Aid: The much delayed policy on Afghanistan’s internally displaced”, Afghanistan Analysts Network, 20 October 2013, available at <https://www.afghanistan-analysts.org/on-the-run-without-aid-the-much-delayed-policy-on-afghanistans-internally-displaced/>.

The final policy, officially the National Policy on IDPs in Afghanistan, was endorsed at a meeting of the Council of Ministers on 25 November 2013 and launched by the Afghan government on 11 February 2014.



Residents of Chaman-e-Babrak settlement in Kabul, November 2015 © Amnesty International

## 3.2 THE IDP POLICY: A SUMMARY

The Policy's launch was welcomed by a range of international and Afghan actors, and it is widely considered to be one of the most comprehensive policies on internal displacement in the world. UNHCR called it a "major achievement and fundamental step" towards improving the lives of those internally displaced in Afghanistan,<sup>51</sup> while the Internal Displacement Monitoring Centre (IDMC) called it a "ground-breaking" policy that could end abuses against IDPs if properly implemented.<sup>52</sup>

The Policy is based on the UN Guiding Principles on Internal Displacement and reaffirms the human rights of displaced people in Afghanistan.<sup>53</sup> Further, it introduces special measures and initiatives to "better protect [IDPs'] rights in their disadvantaged situation of displacement", which are the responsibility of various Afghan government bodies.<sup>54</sup> The IDP Policy stresses the need to take action in all phases of displacement – before (preventative measure), during (assistance during the emergency phase) and after (providing durable solutions in the post-displacement phase).

At the national level, an IDP Policy Working Group has been established to guide the process of implementing the policy. The Working Group is comprised of government, UN and NGO actors, and its members include the Office of Administrative Affairs of the President, the Office of the First Lady, the Afghanistan National Disaster Management Authority, MoRR, UN agencies and the Norwegian Refugee Council (NRC).<sup>55</sup>

The Policy establishes that the government bears the primary responsibility for "protecting and assisting all IDPs" at the "national, provincial and municipal levels". The MoRR is named the institutional focal point for

<sup>51</sup> UNAMA, "Afghan government launches national policy to address the problem of internally displaced", 11 February 2014, available at <https://unama.unmissions.org/afghan-government-launches-national-policy-address-problem-internally-displaced>.

<sup>52</sup> IDMC, "Groundbreaking new policy signals fresh hope for war-displaced in Afghan cities", 11 February 2014, available at <http://www.nrc.no/?did=9171371#.Vy8PA4QrLIV>.

<sup>53</sup> The UN Guiding Principles on Internal Displacement (1998) document is available here: <http://www.ohchr.org/EN/Issues/IPPersons/Pages/Standards.aspx>.

<sup>54</sup> See Chapter 4 for more information on these measures and how they relate to particular rights.

<sup>55</sup> Samuel Hall, "Policy Brief: National Policy on IDPs in Afghanistan", March 2015, p. 6, available at [http://samuelhall.org/wp-content/uploads/2015/04/IDP-Policy-Briefing-note\\_SH\\_-English\\_FINAL.pdf](http://samuelhall.org/wp-content/uploads/2015/04/IDP-Policy-Briefing-note_SH_-English_FINAL.pdf) (Samuel Hall, IDP Policy Brief).

developing a national implementation plan and ensuring coordination of the Policy's implementation. A number of other line ministries with sectoral responsibilities are also identified, including the Ministries of Interior, Public Health, Economy and Women's Affairs. The Policy tasks provincial and other local authorities with emergency response and drawing up Provincial Action Plans for the Policy's implementation, and mayors and municipalities with integrating those internally displaced into their development plans. All relevant government ministries are required to integrate into their annual budgets "actions to address the situation of IDPs".<sup>56</sup>

The Policy sets out a definition of internally displaced people in line with that in the UN Guiding Principles. It also covers returnees (former refugees) who have come back to Afghanistan but have been unable to settle in their homes or places of origin. The Policy also places special emphasis on vulnerable groups, including children, women (in particular female heads of households), the elderly and persons with disability. Importantly, the policy spells out that those to be considered IDPs are not just those who have suffered rapid displacement in an emergency situations, but also victims of slow-onset displacement from, for example, droughts. These people were, in the past, often classified as economic migrants.<sup>57</sup>

The Policy emphasises the government's responsibility to provide all three durable solutions to those displaced: to **return** to their home communities; to **integrate locally** where they have settled; or to be offered to opportunity to **resettle** in another part of the country. This is important in the Afghan context where government officials in the past have overwhelmingly considered "return" to be the only option for displaced people. Indeed, the Policy spells out that they should in no circumstance be "encouraged or compelled to return" to areas where their safety could be at risk. A 2012 study by Samuel Hall and NRC found that over three-quarters of displaced people interviewed preferred to settle permanently in their current location.<sup>58</sup>

An important feature of the conflict-induced displacement within Afghanistan is the rapid urbanisation in recent years, as those displaced often prefer to settle in cities that are seen as offering security, livelihood opportunities and access to essential services. The IDP Policy draws attention to this key feature of displacement by noting the neglect of international development actors and the Afghan authorities to the strain urbanisation has put on the resources of municipalities.

Finally, the Policy establishes an oversight mechanism to measure the implementation of the Policy, which is comprised of the MoRR, the Afghanistan Independent Human Rights Commission (AIHRC) and the Office of Administrative Affairs of the President.

### 3.3 THE CURRENT SITUATION: LITTLE PROGRESS ON IMPLEMENTATION TO DATE

Despite the promise offered by the IDP Policy on paper, the process of turning it into reality has – as both government officials and international actors anticipated –proved to be very challenging.<sup>59</sup> More than two years after the launch of the Policy, its implementation has been extremely limited.

The Policy outlines a clear implementation plan. It states that within one month of its adoption all provinces "where there are substantial numbers of IDPs" should establish a Provincial IDP Task Force, which will be in charge of implementing the Policy.<sup>60</sup> However, as the Policy was adopted in February 2014 with an outgoing government in office and with the political focus on the upcoming presidential elections, a decision was made to first pilot the Policy in three provinces.<sup>61</sup> The provinces chosen were Balkh, Herat and Nangarhar,

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<sup>56</sup> Samuel Hall, IDP Policy Brief, p. 8.

<sup>57</sup> IDP Policy.

<sup>58</sup> Samuel Hall and NRC, *Challenges of IDP Protection: Research study on the protection of internally displaced persons in Afghanistan*, November 2012, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/challenges-of-idp-protection-afghanistan-2012.pdf>.

<sup>59</sup> See Section 3.4: "Obstacles to implementation".

<sup>60</sup> IDP Policy.

<sup>61</sup> Amnesty International interview with UNHCR official, Kabul, November 2015.

as they all host large populations of displaced people but are also some of the most populous and economically important in the country.

The implementation plan tasks each government in the pilot provinces with holding a workshop on the IDP Policy, after which an Implementation Committee is to be established.<sup>62</sup> The Committee should be led by the Provincial Governor's office but also include other representatives from government and UN agencies and civil society as relevant. The Committee is then responsible for drawing up a Provincial Action Plan (PAP) focused on durable solutions, which will spell out how to implement and develop the Policy in the province.

The Policy, recognising that the needs of those displaced vary hugely across the country, also tasks the Implementation Committee with "stock-taking" of displaced people in the province. This ambitious task involves gathering a significant amount of data, including the number of those displaced in the province, their origins, reasons for leaving and length of displacement.<sup>63</sup> The PAP must be approved by the MoRR at central level before it can be implemented.

At the time of publication, progress on implementing the policy in the pilot provinces has been extremely limited:

- In **Balkh**, a workshop on the IDP Policy that is meant to kick-start the PAP drafting process was only held in late November 2015. An implementation committee was formed during the workshop but it has not yet submitted a draft of the PAP;<sup>64</sup>
- In **Herat**, a similar workshop was held in September 2015. The implementation committee has yet to submit a draft PAP for approval, as it is still being drafted;<sup>65</sup>
- **Nangarhar** formed its implementation committee following a workshop on 12-16 October 2014. The provincial government submitted its PAP to the MoRR in Kabul for approval in July 2015,<sup>66</sup> but government officials and international aid workers told Amnesty International that the plan was unrealistic and not up to the required standard. According to one international aid worker, the PAP was "so bad" that it would have to be rewritten from scratch, highlighting the lack of capacity and expertise on issues concerning displaced people at provincial level.<sup>67</sup> The draft PAP lacked specifics on any of its suggested programmes to benefit displaced people, and had also requested budget money from line ministries in Kabul that simply does not exist.<sup>68</sup> One government official said that the plan was "much too broad" with no specifics or focus on durable solutions. The plan had been drawn up at the provincial level without any input from ministries in Kabul who are responsible for budgeting, highlighting a lack of communication between provincial and central officials.<sup>69</sup> The PAP has yet to be approved by the MoRR, and the Afghan government and international actors are now reportedly considering setting aside the PAP model "temporarily" in favour of more viable short-term solutions for IDPs.<sup>70</sup>

The rollout of the Policy is meant to continue in the southern provinces of Afghanistan following the implementation in the pilot areas. Initial steps towards this have already been taken: a workshop was held in Kandahar in November 2014,<sup>71</sup> and according to the MoRR, initial discussions have been held with provincial authorities in other provinces as well, including Helmand and Badghis. The experience in the pilot provinces is meant to inform a rollout of the policy on a national scale, although the timeline for this has not been set. The MoRR will be in charge of preparing a national implementation plan and of reviewing this on an annual basis.<sup>72</sup> However, the experience within the pilot provinces has not progressed to a stage where useful lessons could be learned for any future roll out.

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<sup>62</sup> The implementation plan is spelled out in the IDP Policy itself as well as in Samuel Hall, IDP Policy Brief.

<sup>63</sup> IDP Policy, Annex 3.

<sup>64</sup> Amnesty International interview with an international NGO official, Kabul, November 2015.

<sup>65</sup> Amnesty International interview with an international NGO official, Kabul, November 2015.

<sup>66</sup> UNHCR, "Afghanistan conflict-induced internal displacement monthly update July 2015", p. 6, available at [http://www.unhcr.af/UploadDocs/DocumentLibrary/UNHCR\\_IDP\\_monthly\\_update\\_July\\_2015n\\_\\_635773959559320000.pdf](http://www.unhcr.af/UploadDocs/DocumentLibrary/UNHCR_IDP_monthly_update_July_2015n__635773959559320000.pdf)

<sup>67</sup> Amnesty International interview with international aid worker, Kabul, November 2015.

<sup>68</sup> Amnesty International interview, Kabul, November 2015.

<sup>69</sup> Amnesty International interview with government official, Kabul, November 2015.

<sup>70</sup> UNHCR, "Afghanistan conflict-induced internal displacement 2015: The Year in Review", p. 14, available at [http://www.unhcr.af/UploadDocs/DocumentLibrary/Dec\\_2015\\_UNHCR\\_2015\\_Report\\_\\_Conflict\\_Induced\\_Internal\\_Displacment\\_635974335245510000.pdf](http://www.unhcr.af/UploadDocs/DocumentLibrary/Dec_2015_UNHCR_2015_Report__Conflict_Induced_Internal_Displacment_635974335245510000.pdf).

<sup>71</sup> Samuel Hall, IDP Policy Brief, p. 11.

<sup>72</sup> Samuel Hall, IDP Policy Brief, p. 9.

## REGULARISING MASLAKH: A SMALL STEP TOWARDS POSITIVE IMPLEMENTATION

Although the Provincial Action Plans and the foreseen national rollout of the Policy have both stalled, many international aid workers pointed to experiences from Maslakh camp in Herat as a more small-scale example of translating the IDP Policy into reality. Since 2014, UN-Habitat and UNHCR have worked with local authorities on a pilot project to regularise Maslakh camp as a way of granting security of tenure to the residents and to provide basic services. The project was launched following consultation on the IDP Policy, and where there was a reported shift the attitude of local authorities who showed more acceptance to the fact that displaced people in Maslakh preferred to locally integrate rather than return to their places of origin.

The project had not been completed at the time of Amnesty International's research, but it points to the possibility of implementing shorter-term solutions under the principles of the IDP Policy which require relatively little resources but can still benefit displaced people.<sup>73</sup> A similar project is also underway in one IDP camp (Hisharshi) in Nagarhar.<sup>74</sup>

## 3.4 OBSTACLES TO IMPLEMENTATION

There are several reasons for the failure to implement the IDP Policy, many of which are interlinked and point to wider failures in human rights protection in Afghanistan. This section will outline some of the key reasons why the Policy has stalled.

### 3.4.1 POLITICAL AND SECURITY CONTEXT

The IDP Policy was one of the last major initiatives endorsed by the outgoing government of President Hamid Karzai. At that time, in February 2014, campaigning had already started for the upcoming presidential elections<sup>75</sup> and implementing the Policy was considered a task for the next government.<sup>76</sup>

The 2014 presidential elections, however, proved to be both contested and divisive, and threw Afghanistan into a long period of political turmoil. Although the first-round vote on 4 April was considered largely successful with a high voter turnout and relatively low levels of violence, the run-off vote on 14 June was highly controversial. The camps of the two leading candidates – Ashraf Ghani and Abdullah Abdullah – both claimed victory and accused the other side of orchestrating large-scale fraud.<sup>77</sup>

It was only in September 2014, and following considerable diplomatic pressure from the USA to end the deadlock, that a compromise was reached. The Independent Election Commission declared Ashraf Ghani the winner and named him President, while Abdullah Abdullah was handed the newly created post of Chief Executive Officer, roughly equivalent to the role of a Prime Minister.<sup>78</sup> The months of political paralysis without a government in office meant that work on implementing the IDP Policy stalled. According to one

<sup>73</sup> Shobha Rao and Jan Turkstra, "Enhancing security of land tenure for IDPs", *Forced Migration Review*, May 2014, available at <http://www.fmreview.org/sites/fmr/files/FMRdownloads/en/afghanistan/rao-turkstra.pdf>.

<sup>74</sup> Shobha Rao and Laurie Wiseberg, "Myth or Reality: Durable Solutions for IDPs in Afghanistan", Global Protection Cluster Digest, 1 November 2014, available at [http://www.globalprotectioncluster.org/\\_assets/files/news\\_and\\_publications/GPC-Newsletter-01-2014.pdf](http://www.globalprotectioncluster.org/_assets/files/news_and_publications/GPC-Newsletter-01-2014.pdf).

<sup>75</sup> The campaign period started officially on 2 February 2014. See Emma Graham-Harrison, "Afghanistan election campaign begins in climate of optimism and fear", *Guardian*, 2 February 2014, available at <http://www.theguardian.com/world/2014/feb/02/afghanistan-election-campaign-begins>.

<sup>76</sup> Amnesty International interview with UNHCR official, Kabul, November 2015.

<sup>77</sup> Martine Van Biljert, "Candidate positioning after the preliminary results", Afghanistan Analysts Network, 9 July 2014, available at: <https://www.afghanistan-analysts.org/elections-2014-38-candidates-repositioning-after-the-preliminary-results/>.

<sup>78</sup> *Economist*, "Divide and Rule", 22 September 2014, available at <http://www.economist.com/blogs/banyan/2014/09/afghanistans-disputed-election>.

government official: “For months we were not able to do much [of the IDP Policy’s] implementation, since all ministers and governors were made acting”.<sup>79</sup>

The shaky foundations of the new government have contributed to ongoing political instability in Afghanistan. The new Government of National Unity has been riven by factions and in-fighting since taking office, delaying decision making.<sup>80</sup> Most of the cabinet posts were not finalised until April 2015, while the key Defence Minister post is still unfilled.<sup>81</sup> The political turmoil coincided with a period of growing violence when armed groups intensified their attacks, gaining increasing control over large parts of Afghanistan, which in itself contributed to large numbers of people being displaced.

In this political and security context, not much priority or resources were devoted to the implementation of the IDP Policy. As the Internal Displacement Monitoring Centre (IDMC) noted: “Implementation has been set back significantly by the contested April 2014 presidential elections, the subsequent delay in forming a unity government, which have also involved a change of governor in several provinces, and the ongoing conflict.”<sup>82</sup>

## 3.4.2 ALLEGATIONS OF CORRUPTION AND LACK OF CAPACITY IN THE MINISTRY OF REFUGEES AND REPATRIATION

### ALLEGATIONS OF CORRUPTION

The Ministry of Refugees and Repatriation (MoRR) is the institutional focal point in charge of developing a national implementation plan and of co-ordinating the implementation of the Policy. Amnesty International’s research, however, reaffirm long-standing and serious concerns about the MoRR’s capacity to fulfil this role, not least because the Ministry has been beset by allegations of corruption for several years.

During the previous Afghan administration, some international actors halted funding to the MoRR due to alleged high levels of corruption and wastage of aid money. The US State Department, for example, decided not to extend a two-year capacity building program for the MoRR when it lapsed in 2014 due to “ongoing corruption and capacity issues”, and as of August 2015 had no plans to provide monetary assistance to the MoRR due to their concerns on corruption issues. The UNHCR has also limited its assistance to the MoRR to mainly non-financial items since 2012.<sup>83</sup> A 2012 evaluation of a UNHCR programme found “numerous instances of corruption, inefficiency, mishandling of funds” in the Ministry, while a 2014 UN report found that the Ministry had misappropriated approximately USD117,000 of a UNHCR fund and used the money for staff bonuses.<sup>84</sup>

Corruption in the Ministry has also been highlighted by Afghan sources, including a comprehensive investigative report by the Independent Media Consortium in September 2013 which accused the then minister Jamahir Anwary of siphoning off UNHCR donations into the personal accounts of his family members.<sup>85</sup> A 2013 report by the government body the Independent Joint Anti-Corruption Monitoring and Evaluation Committee, an independent agency established by presidential decree to monitor corruption in

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<sup>79</sup> Amnesty International interview with DoRR official in Mazar-e-Sharif, November 2015.

<sup>80</sup> Thomas Ruttig, “The Unity Government’s First Six Months: Where is the governance?”, *Afghanistan Analysts Network*, 26 March 2015, available at <https://www.afghanistan-analysts.org/the-unity-governments-first-six-months-where-is-the-governance/>; Lynne O’Donnell, “Afghan Insurgency Battle Marred by Political Dysfunction”, *Associated Press*, 8 April 2016, available at <http://abcnews.go.com/International/wireStory/afghan-insurgency-battle-marred-political-dysfunction-38244116>.

<sup>81</sup> James Mackenzie, “Afghan president moves acting defence minister to head spy agency”, *Reuters*, 6 May 2015, available at <http://uk.reuters.com/article/uk-afghanistan-minister-idUKKCNOXX0GA>.

<sup>82</sup> IDMC, “Afghanistan: New and long-term IDPs risk becoming neglected as conflict intensifies”, 16 July 2015, available at <http://www.internal-displacement.org/south-and-south-east-asia/afghanistan/2015/afghanistan-new-and-long-term-idps-risk-becoming-neglected-as-conflict-intensifies>.

<sup>83</sup> SIGAR, *Afghan Refugees and Returnees: Corruption and Lack of Afghan Ministerial Capacity Have Prevented Implementation of a Long-term Refugee Strategy*, August 2015, p. 3, available at <https://www.sigar.mil/pdf/audits/SIGAR-15-83-AR.pdf> (SIGAR, *Afghan Refugees*).

<sup>84</sup> SIGAR, *Afghan Refugees*, p. 3.

<sup>85</sup> Akbar Rostumi, “Graft sinks deep roots in Ministry of Refugees”, *Pajhwok*, 28 September 2014, available at <http://www.pajhwok.com/en/2013/09/28/graft-sinks-deep-roots-ministry-refugees>.

the Afghan government also found numerous instances of corruption in the Ministry's distribution of land for the Land Allocation Scheme, which was put in place to distribute land specifically to returnees and IDPs.<sup>86</sup>

The US aid watchdog Special Inspector General for Afghanistan Reconstruction (SIGAR) has also been highly critical of the Ministry. In a scathing 2015 report, SIGAR concluded that despite the US government providing the MoRR with USD950 million in aid since 2002, the Ministry had failed to implement the *Solutions Strategy* for refugees and returnees due to corruption and a lack of capacity: "As a result of the MoRR's limited capacity and its problems with corruption, it has been unable to effectively lead and coordinate Afghan refugee and returnee efforts across the Afghan government and with international partners." SIGAR, however, recommended that the US State Department should consider renewing support to the MoRR if there were signs of improvement under the new government.<sup>87</sup>

It should be noted that the new Afghan administration has made tackling corruption one of its priorities, with President Ashraf Ghani declaring a "holy war on corruption".<sup>88</sup> Both the Afghan government and the new Minister for Refugees and Repatriation Sayed Hussain Alimi Balkhi (sworn in in January 2015), have promised to address corruption in the Ministry. The MoRR in 2015 reportedly set up an internal mechanism to root out corruption and replace officials found to be abusing their positions.<sup>89</sup> It remains to be seen what effects the new anti-corruption efforts will have. However, the years of alleged endemic corruption raises serious questions about the Ministry's ability to effectively lead the implementation of the IDP Policy.

## LACK OF CAPACITY AND RESOURCES

Several international aid workers and Afghan government officials, including officials from the Ministry itself, have also pointed to a lack of technical capacity in the MoRR as an obstacle to implementing the IDP policy.

According to Ministry officials, there are serious technical capacity issues with many of the staff members, many of whom are barely computer literate.<sup>90</sup> The MoRR has received relatively little international support in terms of building these skills and knowledge since 2001. The International Organization for Migration (IOM) did initiate one capacity building programme in 2012, funded by the US State Department, but it reportedly had to be postponed for eight months since the Ministry "did not know how many people it employed, where or for what purpose".<sup>91</sup> Once the programme had been completed in 2014, the US State Department decided not to renew or replace it, citing "ongoing capacity and corruption issues within" the MoRR.<sup>92</sup>

Budget-wise, the MoRR is one of the least funded among the Afghan ministries. It has been allocated USD7.734 million for the 2016 national budget – although this represents an increase of almost 40% from USD4.681 million in 2015, it is still a relatively small sum compared to many other Afghan ministries' budgets. This total includes USD4.002 million in operating budget and 3.732 million in development budget.<sup>93</sup> In the 2016 budget, only three of Afghanistan's 25 ministries had less budget money allocated than the MoRR: the Ministries of Parliamentary Affairs, Transport and Women's Affairs.<sup>94</sup>

However, there are serious questions about the Ministry's capacity to handle even the resources available to it. Much of the money in the 2016 budget has been carried forward from 2015 because the Ministry failed to spend it. According to the Ministry of Finance (MoF), the MoRR had failed to come up with a plan for implementing the IDP Policy which the MoF could allocate money to. Instead, the MoRR suggested plans for

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<sup>86</sup> Independent Joint Anti-Corruption Monitoring and Evaluation Committee, *VCA Report on the Process of Land Distribution for Repatriations and Displaced People*, October 2013, available at <http://www.mec.af/files/VCAReportLanddistribution.pdf>.

<sup>87</sup> SIGAR, *Afghan Refugees*, p. 3.

<sup>88</sup> Kathy Whitehead, "Ghani Calls For Jihad To Fight Corruption", *Tolo News*, 1 September 2015, available at <http://www.tolonews.com/en/afghanistan/21187-ghani-calls-for-jihad-to-fight-corruption>.

<sup>89</sup> Catherine James, "The \$1bn hole in Afghanistan's refugee system", *IRIN News*, 3 September 2015, available at <http://www.irinnews.org/report/101952/1bn-hole-afghanistan%E2%80%99s-refugee-system>.

<sup>90</sup> Amnesty International interviews with MoRR officials in Kabul and Mazar-e-Sharif, November 2015.

<sup>91</sup> Christine Roehrs, "On the Run without Aid: The much delayed policy on Afghanistan's internally displaced", *Afghanistan Analysts Network*, 20 October 2013, available at <https://www.afghanistan-analysts.org/on-the-run-without-aid-the-much-delayed-policy-on-afghanistans-internally-displaced/>.

<sup>92</sup> SIGAR, *Afghan Refugees*, p. 3.

<sup>93</sup> Islamic Republic of Afghanistan Ministry of Finance, *1395 Budget Statement*, January 2016, available at <http://www.budgetmof.gov.af/images/stories/DGB/BPRD/National%20Budget/1395%20Budget/1395%20Budget%20Statement.pdf>.

<sup>94</sup> Islamic Republic of Afghanistan Ministry of Finance, *1395 Budget Statement*, January 2016, available at <http://www.budgetmof.gov.af/images/stories/DGB/BPRD/National%20Budget/1395%20Budget/1395%20Budget%20Statement.pdf>.



*A 15-year-old boy in Kabul selling eggs at the local market to make a living. November 2015 © Amnesty International.*

building townships and roads, which is the mandate of other ministries. According to MoF officials, the MoRR failed to submit credible proposals for meeting the needs of displaced people in the 2016 budget because of “low capacity” and because “there is no mention of IDPs in [the MoRR’s] budget request”.<sup>95</sup>

And yet, MoRR officials also mentioned a lack of basic resources as a hindrance to carrying out their work. One official from the Herat Department of Refugees and Repatriation (DoRR) said, in contrast to the situation where budgets from 2015 were rolled over into 2016, that they simply did not have the resources or funding to offer sufficient assistance to those displaced. According to them, the Department lacked vehicles to visit IDP settlements, making it difficult to distribute aid or to conduct surveys of needs. The official also said that even though a fire had destroyed much of their office in 2015: “We are still in the administrative process of determining what caused the fire rather than working to rebuild the office.”<sup>96</sup>

The years of serious corruption allegations has left the MoRR in a “catch 22” situation. The Ministry lacks both training and resources to be able to meet the needs of IDPs in Afghanistan, but its past track record of allegedly mishandling funds has left both the central government and international actors hesitant to provide funding and capacity building. In addition, the MoRR also lacks both the expertise and the resources to coordinate the complex and demanding task to oversee the implementation of the IDP Policy. Other key stakeholders must support the Ministry in this effort, as outlined below, while efforts to counter corruption in Ministry should be closely monitored to determine the shape and extent of future support.

### **3.4.3 THE ROLE OF OTHER MINISTRIES**

While the MoRR is the lead ministry for the Policy’s implementation, a number of other line ministries are also tasked with developing programs and activities specifically to meet the needs of IDPs. These include, for example, the Ministries for Education, Interior, Public Health, Economy and Urban Development Affairs. The IDP Policy spells out that line ministries are responsible for integrating “the specific needs of IDPs” into “sectoral plans, programs and projects”.<sup>97</sup> The line ministries are required to request finances to fund programs supporting displaced people as part of their annual budgets from the MoF, which is responsible for allocating budgets and funding these programs.<sup>98</sup>

<sup>95</sup> Interview with MoF official in Kabul, February 2016.

<sup>96</sup> Amnesty International interview with DoRR official in Herat, November 2015.

<sup>97</sup> IDP Policy, p. 25.

<sup>98</sup> Samuel Hall, IDP Policy Brief, pp. 8, 10.



However, this does not appear to have happened to date as the national budget makes no mention of specific programs for displaced people from any of the line ministries.<sup>99</sup> Refugees and those displaced are generally not considered as a priority across the Afghan government, and there is considerable resistance among many ministries to devote resources to an issue perceived as outside of their immediate responsibility.<sup>100</sup> There also appears to be a general lack of awareness about the IDP Policy outside of the MoRR and about other line ministries' responsibilities towards displaced people, as well as a lack of coordination between ministries on IDP issues. One Afghan government official said: "Other line ministries hear 'IDPs' and say it's only a matter for [the MoRR], but this is a national policy that requires commitment from many ministries."<sup>101</sup> A high-level official in the Ministry of Education in February 2016 told Amnesty International that they were not even aware of the IDP Policy and had received no training or information on its contents, nor any requests for providing specific schools for those displaced.<sup>102</sup> Amnesty International sought meetings with other line ministries on the IDP Policy but were unable to meet with them.

This lack of coordination was also evident between the provinces and the centre. As mentioned above, the draft PAP in Nangarhar had been drawn up at provincial level without input from Ministries in Kabul, resulting in unrealistic requests for budget allocation.<sup>103</sup> At least one senior member of the Mazar-e-Sharif municipality also told Amnesty International that his department had not even been consulted on the Balkh implementation of the Policy.<sup>104</sup>

Amnesty International recognizes that the Afghan government and international actors have invested in sensitisation and awareness raising programs around the IDP Policy. Given the lack of knowledge of IDP rights and the Policy itself across the Afghan government, however, there is a clearly a strong need for more of these programs that target government officials at central, provincial and municipal level in all relevant line ministries and government bodies. In 2016, the NRC and the International Rescue Committee have started rolling out such training programs. It is imperative to the success of the Policy that the key donor countries, international actors with relevant experience and expertise, as well as Afghan authorities support such programs so that they can be sustained and expanded.<sup>105</sup>

### 3.4.4 LACK OF COMMITMENT FROM THE CENTRAL GOVERNMENT

President Ashraf Ghani has often highlighted the challenges facing displaced people in Afghanistan and spoken of the need to address them through durable solutions.<sup>106</sup> During his campaign to become president, Ashraf Ghani even visited at least one IDP settlement in Kabul and promised to prioritise land allocation.<sup>107</sup> The First Lady, Rula Ghani, has taken a much more active public role than her predecessor and has championed the rights of those displaced.<sup>108</sup> Indeed, both the Office of the Administrative Affairs of the President and the Office of the First Lady are part of the IDP Policy Working Group.

However, despite the support expressed in public for displaced people by high-level officials, several Afghan government officials commented that the same support had not been evident in the government's practice since the Policy's launch. In particular at the provincial level, officials with the DoRRs spoke of the need for more support and direction from the centre and more prioritisation of the IDP issue. Provincial Governors have historically held great political influence within Afghanistan and in particular inside their own provinces, and DoRR officials said that their support was often key to ensuring enough resources and priority was given

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<sup>99</sup> Islamic Republic of Afghanistan Ministry of Finance, *1395 Citizen Budget English*, January 2016, available at <http://www.budgetmof.gov.af/images/stories/DGB/BPRD/National%20Budget/1395%20Budget/CitizenBudget/1395%20Citizens%20Budget%20-%20English.pdf>.

<sup>100</sup> Confirmed in various Amnesty International interviews with government officials in Kabul, Mazar-e-Sharif and Herat in November 2015.

<sup>101</sup> Amnesty International interview with MoRR official in Kabul, November 2015.

<sup>102</sup> Interview with Ministry of Education official in Kabul, February 2016.

<sup>103</sup> Amnesty International interview with MoRR official in Kabul, November 2015.

<sup>104</sup> Interview with Mazar-e-Sharif municipality official, Mazar-e-Sharif, November 2015.

<sup>105</sup> Amnesty International telephone interview with NRC official in Kabul, May 2016.

<sup>106</sup> Office of the President, "President Mohammad Ashraf Ghani's Speech on World Refugee Day", 20 June 2015, available at <http://president.gov.af/en/news/48479>.

<sup>107</sup> Amnesty International interviews with residents in Charahi Qambar, 11 November 2015.

<sup>108</sup> Malali Bashir and Claire Bigg, "Afghanistan's First Lady Seeks to Blaze New Trail", Radio Free Europe/Radio Liberty, 28 November 2014, available at <http://www.rferl.org/content/ghani-interview-first-lady-interview/26715433.html>; Interviews with residents in Charahi-Qambar.

to those displaced. “We are not strong enough to challenge the governor on our own – we need the centre to make sure that the IDP policy is a priority,” said one official.<sup>109</sup> The obvious capacity issues in the MoRR to lead on the Policy’s implementation – at both central and provincial level - also makes it even more crucial that the central government lends more weight, backing and expertise to the implementation of the IDP Policy at all levels.

The MoRR in April 2015 announced the creation of a National High Commission for Refugees, Returnees and IDPs which aims to bring all relevant line ministries and other actors together under the Chairmanship of the President. The Commission is meant to play an oversight role over the implementation of the IDP Policy, but its terms of reference are, according to UNHCR, “very general” and it is unclear what precise role it will play in turning the Policy into reality.<sup>110</sup>

In May 2016, President Ghani, during a meeting of the above-mentioned Commission, directed the MoF to set aside funds for a nation-wide survey of IDPs, and also endorsed a new anti-corruption policy for the MoRR. While it is welcome that the President appears to be taking a more active role in the IDP issue, it is too early to assess what the impact of the survey will be.<sup>111</sup>

### 3.4.5 INTERNATIONAL INTEREST FADING

**"To ignore Afghanistan would be dangerous, regardless of the urgency and scale of other new crises. Simply from the view of humanitarian response at a time of record new displacement elsewhere in the world, it is clear that gradually resolving old crises is absolutely crucial to avoid becoming entirely overwhelmed with new ones."**

Antonio Guterres, UN High Commissioner for Refugees, 8 October 2015. UNHCR termed Afghanistan “one of the longest displacement situations in recorded history”.<sup>112</sup>

Although the implementation of the IDP Policy is first and foremost the responsibility of the national government, the international community clearly also has a role to play. Afghanistan has seen international funding and aid money dwindle since the troop withdrawal in 2014. In 2015, for example, only 62.5% of the UN requested Humanitarian Response Plan (HRP) was funded. The total amount of funding secured towards the HRP, USD292 million, was the lowest since 2009.<sup>113</sup> The overall amount of humanitarian funding by international donors in Afghanistan in 2015 – USD 432 million, is the lowest figure since 2001, and has more than halved since 2011 (USD 895 million). For 2016, the UN has asked for an even smaller amount of funding for the humanitarian appeal – USD 393 million (compared to 405 million in 2015), of which USD 72.2 million had been funded in May 2016.<sup>114</sup>

Many international aid workers have spoken of a “human resources crisis” in Afghanistan. With international aid budgets dropping and other crises claiming more of the donors’ attention, NGOs and other international

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<sup>109</sup> Amnesty International interview in Kabul, November 2015.

<sup>110</sup> UNHCR, “Afghanistan: Conflict-Induced Internal Displacement Monthly Update”, April 2015, p. 6, available at [http://www.unhcr.af/UploadDocs/DocumentLibrary/UNHCR\\_Monthly\\_IDP\\_update\\_April\\_2015\\_635680629279025367.pdf](http://www.unhcr.af/UploadDocs/DocumentLibrary/UNHCR_Monthly_IDP_update_April_2015_635680629279025367.pdf).

<sup>111</sup> Mohammad Asif Ahmadzai, “President orders special budget for IDPs, refugees”, *Pajhwok*, 1 May 2016, available at <http://www.pajhwok.com/en/2016/05/01/president-orders-special-budget-idps-refugees>.

<sup>112</sup> UNHCR, “International community commits to refocus attention on Afghan refugee situation; calls for increased support for regional solutions”, 8 October 2015, available at <http://www.unhcr.org/561660556.html>.

<sup>113</sup> Financial Tracking Service, Afghanistan 2015, available at <https://fts.unocha.org/pageloader.aspx?page=emerg-emergencyDetails&appealID=1070>.

<sup>114</sup> Sune Engel Rasmussen, “UN reduces Afghanistan appeal but urges other donors to do more”, *Guardian*, 27 January 2016, available at <http://www.theguardian.com/global-development/2016/jan/27/un-reduces-afghanistan-appeal-but-urges-other-donors-to-do-more>.

actors spoke of the difficulty of obtaining the financial resources and quality of personnel they needed to meet the enormous humanitarian challenges in Afghanistan.<sup>115</sup>

Several international and Afghan actors Amnesty International spoke to were highly critical of what they saw as a lack of international engagement with the IDP Policy. An often voiced criticism was that international actors advocating for the drafting of the IDP Policy had failed to think through the implementation phase, and left Afghan authorities in charge of a highly complex process which they lack expertise and capacity to see through. “When there clearly is no capacity on the government’s side to implement the Policy, that’s when the international community should step in,” one international civil society worker said.<sup>116</sup>

There has also been a tendency for international organisations to focus on only short-term humanitarian assistance for those displaced, instead of on durable solutions.<sup>117</sup> This can to a large extent be explained by the Afghan government’s resistance towards projects that imply a level of permanency for IDP camps and settlements. There was, however, general agreement that the development sector should be more involved in programming for displaced people. Some international actors are already doing this, such as UN-Habitat and the Norwegian Refugee Council.<sup>118</sup>

Given the clear capacity issues in the Afghan government and its inability to make progress on implementing the Policy, several Afghan officials spoke of the need for more international involvement in the Policy’s implementation. In particular an international focal point that could help and support the MoRR with driving through the Policy’s implementation was often requested.<sup>119</sup>

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<sup>115</sup> Financial Tracking Service, Afghanistan 2015, available at <https://fts.unocha.org/pageloader.aspx?page=emerg-emergencyDetails&appealID=1070>.

<sup>116</sup> Amnesty International telephone interview with an international aid official, May 2016; this point was reiterated in several interviews with international aid workers in Kabul in November 2015.

<sup>117</sup> See, for example, John James, “New solutions for Afghanistan’s protracted IDPs”, *IRIN News*, 20 February 2014, available at <http://www.irinnews.org/feature/2014/02/20/new-solutions-afghanistan%E2%80%99s-protracted-idps>.

<sup>118</sup> NRC, “NRC’s Country Programme in Afghanistan”, 15 January 2016, available at <http://www.nrc.no/afghanistan#.VzDOHIQrK00>.

<sup>119</sup> Interviews with Afghan government officials and civil society actors, Kabul, November 2015.

# 4. GROWING NEEDS OF INTERNALLY DISPLACED PEOPLE

**“Over the past three years, our situation has gotten much worse. We have received almost no assistance recently, and the possibility to take paid day jobs is now minimal.”**

Raz Muhammad, a representative of Kabul's Chaman-e-Babarak settlement for IDPs<sup>120</sup>

Those who have been forced to flee their homes because of conflict or natural disasters are among the most vulnerable people in Afghanistan. Uprooted from their home communities, many arrive in their new environments traumatised and without kinship networks, employment prospects, housing or possessions.

The vast majority of the more than one million displaced in Afghanistan live in desperate conditions, with limited access to adequate housing, protection from the winter cold, or bare necessities like food and water. Although some Afghan government officials often try to portray those displaced as part of the urban poor, several studies have shown that the conditions displaced people face are much worse than other low-income city dwellers. A 2011 study from the World Bank and UNHCR, for example, found displaced families trailing substantially behind the urban poor on several key humanitarian indicators, including access to employment and basic services, quality of housing and access to food. According to the study, IDPs are “an extremely vulnerable segment of the population, even when compared to urban poor.”<sup>121</sup> Those forced to flee their homes are often also facing the trauma of being uprooted from their home communities, having to understand a new environment and coping with painful memories of experiences of conflict.

In our report issued in 2012, Amnesty International documented the daily struggles facing hundreds of thousands of displaced people across Afghanistan. For this report, Amnesty International revisited the same communities that were interviewed for the 2012 report to see what effect, if any, the new IDP Policy has had. The vast majority of people we interviewed said that they had seen little improvement over the past four years. If anything, most said that their situation had worsened as the conflict has intensified and the

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<sup>120</sup> Amnesty International interview, Kabul, November 2015.

<sup>121</sup> See also UNHCR and The World Bank, *Research Study on IDPs in urban settings – Afghanistan*, May 2011, available at [http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1265299949041/6766328-1265299960363/WB-UNHCR-IDP\\_Full-Report.pdf](http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1265299949041/6766328-1265299960363/WB-UNHCR-IDP_Full-Report.pdf) p. 8; and Danish Committee for Aid to Afghan Refugees and Samuel Hall, *Agency and choice among the displaced: Returnees' and IDPs' choice of destination in Afghanistan*, 2015, available at <http://www.baag.org.uk/sites/www.baag.org.uk/files/resources/attachments/SH%20-%20Agency%20choice%20displaced%20July%202015.pdf>.

economy deteriorated. The huge influx of newly displaced people has increased competition for the meagre resources on offer, with displaced people reporting less availability of, for example, food and employment opportunities. At the same time, all communities we spoke to said they received less aid than three years ago.

This chapter summarises the differing issues they continue to face within the IDP camps and settlements.

## 4.1 HOUSING AND FORCED EVICTIONS

**“Even an animal would not live in this hut but we have to... I would prefer to be in prison rather than in this place, at least in prison I would not have to worry about food and shelter.”**

Mastan, a 50-year-old woman living in Minarets camp in Herat with her daughter in a mud hut without a door or windows<sup>122</sup>

### AFGHANISTAN'S INTERNATIONAL AND DOMESTIC OBLIGATIONS

The right to adequate housing is guaranteed by the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other treaties ratified by Afghanistan.<sup>123</sup> The Committee on Economic, Social and Cultural Rights, the body of independent experts that monitors implementation of the Covenant, has identified seven elements that must be taken into account in determining the adequacy of housing: legal security of tenure; availability of services, materials, facilities, and infrastructure; location; habitability; affordability; accessibility; and cultural adequacy.<sup>124</sup>

The Committee has also emphasised that the right to housing does not mean simply “a roof over one’s head” in the most basic sense of the phrase, but the right “to live somewhere in security, peace and dignity”.<sup>125</sup>

Additionally, as a party to the ICESCR, Afghanistan must ensure that all persons enjoy “a degree of security of tenure which guarantees legal protection against forced eviction”. The Committee defines forced eviction as “the removal of people against their will from the homes, or land, they occupy, without due process and legal safeguards, including adequate notice, legal remedies and compensation for their losses.”<sup>126</sup> Additionally, the International Covenant on Civil and Political Rights (ICCPR) states that Afghanistan is obliged to respect the right to privacy against unlawful or arbitrary interference with personal and family life, including home, irrespective of the (ii) legality of the residence.<sup>127</sup>

The Afghan Constitution requires the government to adopt all necessary measures for the provision of housing and the distribution of public estates to deserving citizens, while also prohibiting the confiscation of property in the absence of legal authority or the decision of an authoritative court.<sup>128</sup> Additionally, the national Law on Land Management Affairs regulates land rights, registration, distribution, and restoration of appropriated lands.<sup>129</sup>

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<sup>122</sup> Amnesty International interview in Herat, November 2015.

<sup>123</sup> See ICESCR, Article 11(1); Convention on the Rights of the Child, Articles 4, 27; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Articles 14(2) (h).

<sup>124</sup> Committee on Economic, Social and Cultural Rights, General Comment 4, *The Right to Adequate Housing* (1991), ¶ 8.

<sup>125</sup> Committee on Economic, Social and Cultural Rights, General Comment 4, *The Right to Adequate Housing* ¶ 7H.

<sup>126</sup> Committee on Economic, Social and Cultural Rights, General Comment 7, *The Right to Adequate housing (Article 11.1 of the Covenant): Forced Evictions*.

<sup>127</sup> International Covenant on Civil and Political Rights, Article 17.

<sup>128</sup> Islamic Republic of Afghanistan, *Constitution of Afghanistan*, Ratified 26 January 2004, Article 14, available at <http://www.afghanembassy.com/pl/afg/images/pliki/TheConstitution.pdf> (Constitution of Afghanistan).

<sup>129</sup> Islamic Emirate of Afghanistan, Ministry of Justice, Law on Land Management, 2000, available at <http://www.asianiii.org/af/legis/laws/lolm170/>.

## WHAT THE IDP POLICY SAYS

The IDP Policy recognises adequate housing as “one of the greatest needs” of the displaced population and the lack of access to land and security of tenure as some “of the greatest obstacles” to obtaining this. The Policy further recognises the right of displaced people to seek adequate housing, but notes that many IDP communities have had no choice but to settle in informal settlements on lands they do not own. The Policy states that communities have often been prevented from upgrading their settlements, in order, for example, to improve access to water or quality of housing, since it would imply permanence.

The MoRR and other actors are to take a number of steps to improve access by internally displaced people to adequate housing, including: identifying available land; providing emergency and transitional shelters; ensuring that internally displaced people are allowed to upgrade their settlements; “exploring options” which provide them with security of tenure; and ensuring that they are not subjected to forced evictions. The Policy also sets out a number of criteria for land to be allocated for displaced people, including that it should have enough potable water and that it is located close to schools, health care facilities and a job market or agricultural land.<sup>130</sup>

Past attempts to allocate government land to displaced people or returnees in Afghanistan, as stipulated in Presidential Decree 104 (December 2005), have been largely ineffective and riddled with corruption.<sup>131</sup> The land has often been barren or unfit for agriculture and too far away from services and employment opportunities.<sup>132</sup>



*Chaman-e-Babrak settlement, Kabul, November 2015 © Amnesty International*

## THE REALITY FOR THE DISPLACED

Displaced people in the camps and settlements we visited in Kabul, Herat and Mazar-e-Sharif invariably lived in extremely poor housing conditions. In Chaman-e-Babrak camp in Kabul, the effects of a few days of heavy rain were clearly visible, with the paths between the houses so muddy that they were barely walkable

<sup>130</sup> IDP Policy, Section 7.1.3 Right to Adequate Housing and Access to Land.

<sup>131</sup> Jelena Bjelica, “Afghanistan’s Returning Refugees: Why are so many still landless?”, Afghanistan Analysts Network, 29 March 2016, available at <https://www.afghanistan-analysts.org/afghanistans-returning-refugees-why-are-so-many-still-landless/>.

<sup>132</sup> For an in-depth look at the LAS and other efforts to distribute land, see UNAMA, *The Stolen Lands of Afghanistan and Its People: The State Land Distribution System*, March 2015, available at [https://unama.unmissions.org/sites/default/files/unama\\_land\\_report\\_2\\_state\\_land\\_distribution\\_system\\_final\\_19march15\\_0.pdf](https://unama.unmissions.org/sites/default/files/unama_land_report_2_state_land_distribution_system_final_19march15_0.pdf).

and many of the huts flooded. Even those who could afford their own mud huts, and were not living in tarpaulin tents, had seen leaks and water damage in their houses. Most people in the camp were afraid of the toll the coming cold winter months would take. A 22-year-old woman in Mazar-e-Sharif said: “I am scared I will lose my children this winter from hunger or cold weather, because our situation is very bad.”<sup>133</sup>

In Mazar-e-Sharif, some of the displaced people lived in clay rental houses for which they pay a monthly rent of 500-1000 Afs (USD 7-15). Residents told Amnesty International that the houses do not protect the families from the winter cold or summer heat, and they are full of dust and mosquitoes in the summer.<sup>134</sup> Several families often have to live together in the same house of one or two rooms to share the cost of the rent. As a result, the houses are overcrowded, damp and facilitate the spread of diseases.<sup>135</sup> One 22-year-old woman living in a mud brick hut in Mazar-e-Sharif said: “The home that we are living is really in bad condition. When it rains it seems as if we are sleeping outside in open space because the water comes inside our room. We are eight people sharing a single room and we spend the whole night under rain and a dripping roof.”<sup>136</sup>

Displaced people lived in marginally better conditions in Shaidayee and Maslakh camps in Herat, however conditions were still not adequate. Almost all of those we interviewed in these settlements said they lived in mudbrick huts that offered very little protection from hot or cold weather. Maryam, a 65-year-old woman in Minarets camp who is part of a family of six living in a hut built from mud and tarpaulin, said: “When it rains or snows I experience very difficult days and it is almost unbelievable how we can survive in such a situation.”<sup>137</sup>

In Shaidayee camp, there have been some efforts to address land ownership as set out in the IDP Policy. The government has since 2012 started distributing land to protracted IDPs, mainly to displaced people registered as IDPs with the government or UNHCR.<sup>138</sup> The government had sold displaced families 300m<sup>2</sup> of land for 20,000 Afs (USD 290), the cost of the land registry fee according to the local government.<sup>139</sup> While this initiative is commendable, many of those families who were able to afford the land have not then been able to fund building their own houses. Some said they had had to sell the land after running into financial problems.

A local government official in Herat said that one obstacle to the land distribution scheme in Shaidayee was also that many displaced people lacked a *Tazkera* (national ID card), meaning their land ownership could not be registered and thus making them ineligible for the land distribution scheme.<sup>140</sup> Displaced people can face considerable barriers in obtaining national identity cards, which are often unaffordable, or can only be obtained in one’s home province which is often too insecure to return to.<sup>141</sup>

Others, in particular from Maslakh camp, said officials from the MoRR had promised them land during 2015 but that nothing had happened since then because the identification of those displaced was still ongoing. A local government official told Amnesty International that, additionally, efforts to distribute land to displaced people in Maslakh camp had been held up by disputes about ownership of the proposed land for distribution.<sup>142</sup>

## 4.1.2 FORCED EVICTIONS

The Policy reiterates the right of those displaced to not be forcibly evicted from land they occupy, but despite this, most of the communities we spoke to live with threats of being illegally driven off their lands. Most displaced people in Afghanistan lack affordable housing options and occupy private or public land without permission, leaving them at constant risk of forced evictions. In this sense, not much has changed since

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<sup>133</sup> Amnesty International interview in Mazar-e-Sharif, November 2015.

<sup>134</sup> Amnesty International interviews in Mazar-e-Sharif, November 2015.

<sup>135</sup> See, for example: UNHCR and The World Bank, *Research Study on IDPs in urban settings – Afghanistan*, May 2011, p. 8

<sup>136</sup> Amnesty International interview in Mazar-e-Sharif, November 2015.

<sup>137</sup> Amnesty International interview, Mazar-e-Sharif, November 2015.

<sup>138</sup> Interview with DoRR official in Herat, 17 November 2015.

<sup>139</sup> Amnesty International interviews with DoRR and municipality officials in Herat, November 2015 and February 2016.

<sup>140</sup> Amnesty International interview with DoRR official in Herat, November 2015.

<sup>141</sup> Amnesty, *Fleeing war*, p. 68.

<sup>142</sup> Amnesty International interview with government official, Herat, November 2015.

Amnesty International's last report on the issue, when the prospect of being forcibly evicted was also a daily reality for those displaced.<sup>143</sup>

A 2014 study by the NRC found that some 9,600 families in communities surveyed in five major cities – including three of the communities surveyed for this report in Kabul and Mazar-e-Sharif - had been affected by forced evictions or the threat of being forcibly evicted, and identified numerous protection gaps before, during and after eviction such as inadequate consultation or a lack of alternative lands to move to.<sup>144</sup>

One of the key issues is harassment and threats to leave properties. Many of the people in the communities in Kabul and Mazar-e-Sharif that we interviewed said that this pressure to leave their properties, from government officials, local strongmen or the so-called “land mafia”, were part of daily life. Residents of Charahi Qambar in Kabul claim that they occupy land owned by the Ministry of Defense, but that over the past three years members of the “land mafia” have asked them to leave the land. This harassment had increased over the past months when we visited in November 2015. The community claims they have approached the government several times about land allocation but that they have not received any help.<sup>145</sup> The experiences of one 35-year old man in Charahi Qambar reflected those of many others in the settlement: “Over the past three years the land mafias have persecuted and threatened us to evacuate our land. Recently, particularly over the last two months, this harassment has increased. Occasionally, the land claimants are even going to the police and the courts to complain against the residents which is creating a lot of problems for us.”<sup>146</sup>

Attempts to forcibly evict displaced people often lead to violence as camp residents refuse illegal attempts to drive them off their lands.

### **DEADLY ATTEMPTED FORCED EVICTION IN CHAMAN-E-BABRAK**

On the first day of Ramadan in 2015 – 18 June – an attempted forced eviction in Chaman-e-Babrak turned violent and left two of the camp residents dead and 10 others injured. No one has yet to be held account for the killings.

Residents told Amnesty International researchers that on the day in question, police officers belonging to Police Station District Four of Kabul city and men in military-style uniforms (but not identifiable police or army uniforms) turned up at the settlement with bulldozers and started to destroy some of the makeshift shelters in Chaman-e-Babrak settlement.

In an attempt to halt the destruction of their homes, a camp elder tried to negotiate with the men to stop the eviction and to let them stay on during the month of Ramadan. But as soon as the elder approached the armed men they started to beat him.

Shortly after, a group of camp residents gathered in a protest against the elder's treatment and the destruction of their homes. They told Amnesty International that while they were demonstrating, the armed men and police started shooting at the demonstrators. In total 10 residents, including a 12-year-old boy, were injured in the shooting and a further two men died later in a nearby hospital run by Emergency, a medical NGO focused on trauma surgery.<sup>147</sup>

In the following months, the community approached various officials from the Ministry of Interior, Parliament, the President's Office, the MoRR, and the Kabul Police Chief to demand an official investigation into the incident and justice for those injured and killed. At the time of writing, no investigation had taken place as far as Amnesty International is aware. The community is still none the wiser as who authorised the attempted forced eviction. Amnesty International sought a meeting with the Kabul Police to discuss the incident but we were unable to secure the meeting.

<sup>144</sup> NRC, *Still at risk: Security of tenure and the forced eviction of IDPs and refugee returnees in urban Afghanistan*, February 2014, available at <http://www.internal-displacement.org/publications/2014/still-at-risk-security-of-tenure-and-the-forced-eviction-of-idps-and-refugee-returnees-in-urban-afghanistan>.

<sup>145</sup> Amnesty International interviews in Kabul, November 2015.

<sup>146</sup> Amnesty International interview in Kabul, November 2015.

<sup>147</sup> Amnesty International interviews with settlement residents in Kabul, November 2015 and February 2016.



In addition, the AIHRC wrote two letters to the Ministry of Interior, asking about the progress in the investigation and raising their concerns about lack of accountability in the case but, to date, they too have not received a response.<sup>148</sup>

Since the incident on 18 June 2015, residents at Chaman-e-Babarak displacement settlement continue to be threatened by different armed men, warning them to leave the area otherwise “they will come after them and kill anyone who resists”.<sup>149</sup> They believe that the lack of accountability in this case has emboldened the suspected perpetrators to continue harassing and intimidating them, without fear of arrest or prosecution.

## 4.2 WATER, SANITATION AND HYGIENE

### AFGHANISTAN’S INTERNATIONAL OBLIGATIONS

The right to water is derived from the right to an adequate standard of living, guaranteed in the ICESCR and other human rights treaties to which Afghanistan is a party.<sup>150</sup> The human right to water entitles everyone to sufficient, safe, acceptable and affordable water for personal and domestic use. The Committee on Economic, Social and Cultural Rights has also stressed that water is crucial for the fulfilment of a number of other rights, including the rights to adequate food and hygiene. States also have an obligation to provide special attention to individuals and groups who have traditionally faced difficulties in accessing water.<sup>151</sup>

Sanitation is an integral part of various human rights, including the right to an adequate standard of living, the right to adequate housing, the right to health and the right to water. Indeed, the Committee has concluded that “the right to sanitation is an essential component of the right to an adequate standard of living.”<sup>152</sup> States are obliged to provide a sufficient number of accessible sanitation facilities for households, health or educational institutions, workplaces and the like; the facilities must be reliable and in safe locations, affordable, and culturally acceptable.<sup>153</sup>

There is no explicit mention of the right to food and potable water in Afghan national legislation, but they can be seen as part of the right to life and human dignity (Articles 23 and 24 of the Constitution).<sup>154</sup>

### WHAT THE IDP POLICY SAYS

The Policy groups the right to water with the rights to food and clothes under a general “Adequate Standard of Living” section. It states that the life of IDPs can be threatened as much by “lack of food, water or adequate clothing as by direct physical attacks” and that displaced populations and host communities “have a right to request and receive such assistance”. The MoRR is tasked with a number of responsibilities to ensure that these rights are fulfilled, including: to ensure “sufficient, continuous and safe water for personal and domestic use”; that sanitation facilities are secure and accessible to all and provide adequate privacy for women and girls; and that those displaced are not denied life-saving humanitarian aid on the grounds that such aid could become a magnet or pull-factor.”<sup>155</sup>

<sup>148</sup> Interview with AIHRC official, Kabul, November 2015 and February 2016.

<sup>149</sup> Interviews with settlement residents, Kabul, November 2015.

<sup>150</sup> See ICESCR, Article 11(1); Convention on the Rights of the Child, Article 24(2) (c); Convention on the Elimination of All Forms of Discrimination against Women Article 14(2) (h).

<sup>151</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 15: *The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)*.

<sup>152</sup> Independent Expert on the Issue of Human Rights Obligations Related to Access to Safe Drinking Water and Sanitation, *Report to the General Assembly, A/HRC/12/24*, ¶ 55.

<sup>153</sup> Independent Expert on the Issue of Human Rights Obligations Related to Access to Safe Drinking Water and Sanitation, *Report to the General Assembly, A/HRC/12/24*, ¶¶ 70-80.

<sup>154</sup> Constitution of Afghanistan, Articles 23 and 24.

<sup>155</sup> IDP Policy, Section 7.1.5: Right to Water, Food, Clothes – Adequate Standard of Living.

## THE REALITY FOR THE DISPLACED

Regular access to clean and safe water is a challenge across Afghanistan. A local media report, for example, recently highlighted how rapid urbanisation has put enormous strains on Kabul's water resources, and that almost half of the capital's residents lacked regular access to water.<sup>156</sup>

In all displaced communities we visited, access to water was a critical issue. Despite what is stipulated in the Policy, a potable water source adequate to cover residents' needs in the camp or settlements is a rarity. In Herat, the three camps we visited had public water pumps used by residents, but these were unavailable in the Kabul settlements or for the majority of people we spoke to in Balkh. People were often forced to make long, daily trips to gather water from wells located far away from their homes. A 37-year-old woman in Mazar-e-Sharif said: "Every day my children are going a long distance with two pails and bring water, which we have to use very carefully."<sup>157</sup>

In Chaman-e-Babrak, a water pump installed by an international NGO had stopped working two years ago and the community did not have the money or expertise to repair it. Instead, residents bought water from a truck that came by three times per week and that sold water for 20 Afs (USD 0.30) per gallon (4.5 litres). UN-Habitat estimates that an individual needs a minimum of 20 litres per day.<sup>158</sup> On this basis alone, this is prohibitively expensive for many families, as water costs can run up to several hundred Afs per week (100 Afs is roughly equivalent to USD1.5 as of May 2016).<sup>159</sup> Many families in the settlements without dedicated water pumps said that they simply could not afford to buy enough water for their daily needs.

In several of the camps and settlements - such as Charahi-Qambar in Kabul or Minarets in Herat - residents could access water from nearby pumps which had been installed specifically for the camps by aid agencies, were privately owned by neighbours or belonged to a nearby mosque. However, in most cases access to the water was sporadic and not enough to meet the needs of all residents, with sometimes several dozens of families dependent on the same water pump.

## 4.3 HEALTH CARE

**"We cannot afford to go to private hospitals. Believe me, right now my six-month-old child is ill with pneumonia, but because of how much the treatment and travel to the hospital costs, I cannot take her. I have no option but to pray she gets well."**

Lilah, a 22-year-old displaced woman in Mazar-e-Sharif<sup>160</sup>

<sup>156</sup> Shabnam Sherzad, "Half of Kabul residents lack access to potable water", *Pajhwok*, 29 August 2015, available at <http://www.pajhwok.com/en/2015/08/29/half-kabul-residents-lack-access-potable-water>.

<sup>157</sup> Amnesty International interview, Mazar-e-Sharif, November 2015.

<sup>158</sup> Richard Sliuzas, Gora Mboup, and Alex de Sherbinin, *Expert Group Meeting on Slum Identification and Mapping*, Center for International Earth Science Information Network, Columbia University, UN-Habitat, and International Institute for Geo-Information Science and Earth Observation, 18 September 2008, pp. 2, 22-27.

<sup>159</sup> By way of comparison, the statutory gross monthly minimum wage in Afghanistan was 5,000 Afs (USD 73) as of 31 December 2013. See International Labour Organization, "Statutory nominal gross monthly minimum wage effective December 31<sup>st</sup> (Local currency) - Afghanistan", available at [http://www.ilo.org/ilostat/faces/help\\_home/data\\_by\\_country/country-details/indicator-details;jsessionid=f3qLedqHjdzHkCTe-mgdUEERgk7JLUX9wJJByOd00z8mqcSdM8uCl-1790643103?indicator=EAR\\_INEE\\_NOC\\_NB&subject=EAR&\\_afLoop=112091843254228&datasetCode=YI&collectionCode=YI&country=AFG&\\_adf.ctrl-state=5fg3aqv7g\\_106#%40%3Findicator%3DEAR\\_INEE\\_NOC\\_NB%26subject%3DEAR%26\\_afLoop%3D112091843254228%26datasetCode%3DYI%26collectionCode%3DYI%26country%3DAFG%26\\_adf.ctrl-state%3D37v5wyn3l\\_4](http://www.ilo.org/ilostat/faces/help_home/data_by_country/country-details/indicator-details;jsessionid=f3qLedqHjdzHkCTe-mgdUEERgk7JLUX9wJJByOd00z8mqcSdM8uCl-1790643103?indicator=EAR_INEE_NOC_NB&subject=EAR&_afLoop=112091843254228&datasetCode=YI&collectionCode=YI&country=AFG&_adf.ctrl-state=5fg3aqv7g_106#%40%3Findicator%3DEAR_INEE_NOC_NB%26subject%3DEAR%26_afLoop%3D112091843254228%26datasetCode%3DYI%26collectionCode%3DYI%26country%3DAFG%26_adf.ctrl-state%3D37v5wyn3l_4).

<sup>160</sup> Amnesty International interview, Mazar-e-Sharif, November 2015.

## AFGHANISTAN'S INTERNATIONAL OBLIGATIONS

The ICESCR enshrines everyone's right to "the enjoyment of the highest attainable standard of physical and mental health" including "access to medical service and medical attention in the event of sickness."<sup>161</sup> Fulfilling the right to health requires that healthcare facilities, goods and services are available, accessible, acceptable and of good quality. This includes the provisions of trained medical personnel, essential medicines and health facilities that are physically and economically acceptable.

The right to health should be achieved progressively by all appropriate means to the maximum of each ICESCR state party's resources. However, the essential levels of the right to health, and all other rights under the Covenant, must be met without delay.<sup>162</sup> With regard to the right to health, these core obligations include ensuring the equitable distribution of all health facilities, goods, and services; providing essential drugs, as defined in the World Health Organization Action Programme on Essential Drugs; and adopting and implementing a national strategy and plan of action to address the health concerns of the whole population.<sup>163</sup>

The Committee on Economic, Social and Cultural Rights has further emphasised that even in times of severe resource constraints, the most vulnerable members of society can and must be protected by the adoption of relatively low-cost programmes.

The Constitution of Afghanistan also obliges the state to provide free preventive health care and medical treatment and proper health facilities to all citizens. Additionally, Article 53 of the Constitution makes it mandatory for the state to guarantee necessary aid for women without caretakers, the elderly and poor orphans.<sup>164</sup>

## WHAT THE IDP POLICY SAYS

The IDP Policy recognizes that those displaced have the same right to access basic health services as other citizens, as outlined above.

The Policy obliges the Ministry of Public Health (MoPH) to respect, protect and ensure the right to health care, while "factoring in the urgent nature of some IDPs' health concerns". It also calls on the Ministry to expand health care facilities and services in urban areas with a growing number of displaced people, and to support mobile clinics in remote areas where such communities have difficulty in accessing regular health services.<sup>165</sup>

## THE REALITY FOR THOSE DISPLACED

Although improvements in the health care system have been hailed as one of the major successes in Afghanistan following the 2001 US-led invasion, for many Afghans accessing quality health care is still a daily struggle.<sup>166</sup> A 2014 report by Médecins Sans Frontières (MSF) highlighted how the conflict is often a major barrier for people to make the dangerous journeys to reach health care facilities, and even when clinics or hospitals are accessible the quality of the facilities, medicines and staff on offer is often questionable.<sup>167</sup> The UN has also highlighted how the surge in violence has led to an increase in attacks and threats against schools and hospitals, alarmingly reducing children's ability to get an education or medical

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<sup>161</sup> ICESCR, Article 12.

<sup>162</sup> Committee on Economic, Social and Cultural Rights, General Comment 14, *The Right to the Highest Attainable Standard of Health (Art. 12)*, ¶ 43.

<sup>163</sup> Committee on Economic, Social and Cultural Rights, General Comment No. 14: *The Right to the Highest Attainable Standard of Health (Art. 12 of the Covenant)*.

<sup>164</sup> Constitution of Afghanistan, Article 53.

<sup>165</sup> IDP Policy, Section 7.1.6: "Right to Health Care".

<sup>166</sup> Justin Sandefur, "Here's the Best Thing the U.S. Has Done in Afghanistan", *Atlantic*, 10 October 2013, available at <http://www.theatlantic.com/international/archive/2013/10/heres-the-best-thing-the-us-has-done-in-afghanistan/280484/>.

<sup>167</sup> MSF, *Between rhetoric and reality: The ongoing struggle to access healthcare in Afghanistan*, 25 February 2014, available at <http://www.msf.org/article/between-rhetoric-and-reality-ongoing-struggle-access-healthcare-afghanistan> (MSF, *Between rhetoric*).

care.<sup>168</sup> In this context, it is not difficult to see that accessing healthcare services is an even bigger challenge for those displaced due to their additional vulnerabilities.

Most of the communities Amnesty International visited lacked a dedicated healthcare facility, though some were serviced a few days per week by mobile clinics run by NGOs or the government. Two settlements, in Mazar-e-Sharif and Herat, had their own dedicated clinics, one run by the MoPH and one by the World Health Organization, but the residents said they were badly resourced and had no specialised doctors.<sup>169</sup> There were no government-run mobile clinics as called for in the IDP Policy. In Chaman-e-Babarak health workers from an NGO had cancelled weekly visits following a violent attempted forced eviction in June 2015, which resulted in two camp residents being shot dead (see section 4.1).<sup>170</sup>

Private medical clinics are mostly unaffordable to displaced families, even though many said they offered better quality care and shorter waiting times than those run by the government. As a result, most displaced people are reliant on public hospitals where facilities are often badly overstretched, and there have, as far as Amnesty International is aware, been no efforts in major urban centres to expand health facilities specifically to meet the needs of displaced people as the Policy calls for.<sup>171</sup> One 50-year-old woman in Herat said they often had to wait for one or two days before receiving treatment at public hospitals and that for urgent matters, they have no choice but get in debt by turning to the private sector: “If we are ill then I have to beg and find some money to go to the private clinics, we have no other choice.”<sup>172</sup> Another woman said they had to wait two or three days for care at a public hospital after which “the patient has either cured himself or died”.<sup>173</sup>

Additionally, public hospitals only provide vaccinations and contraceptives free of charge, while other medicines must be bought from private clinics or pharmacies. While affording medicines is a struggle for many Afghans, it can be particularly difficult for displaced people who lack regular incomes and are often economically worse off than other urban poor (see more in section 4.5: Employment). Some displaced people reported having debts of several thousand Afs at private hospitals or pharmacies to buy medicines which they could not afford to pay back. One 55-year-old man in Naderabad camp in Mazar-e-Sharif said:



*A 14-year-old boy in Charrahi Qambar settlement in Kabul, November 2015 © Amnesty International*

<sup>168</sup> UNAMA, “Education and Healthcare at Risk for Children in Afghanistan”, 18 April 2016, available at <https://www.humanitarianresponse.info/en/operations/afghanistan/document/education-and-healthcare-risk-children-afghanistan>.

<sup>169</sup> Amnesty International interviews in Mazar-e-Sharif and Herat, November 2015.

<sup>170</sup> Amnesty International interviews in Kabul, November 2015.

<sup>171</sup> See, for example, section on “Gaps in the health system” in MSF, *Between rhetoric*, p. 36: “Unfortunately, for many who manage to overcome those barriers, upon reaching the health facility they report that they discover that it is closed, defunct, or provides inadequate services. In this way, the current health system, as it is, poses several barriers to effective access to healthcare.”

<sup>172</sup> Amnesty International interview in Herat, November 2015.

<sup>173</sup> Amnesty International interviews in Herat, November 2015.

“My son was once critically ill. We had to take him to a private clinic because he didn’t receive proper treatment in the public hospital. For this we had to borrow 20,000 Afs (USD292) to pay for an operation, an enormous sum of money for us.”<sup>174</sup>

Others said they often simply could not find the money to buy the drugs they needed and had to forego care altogether. This is of great concern since those displaced often live in unhygienic camps which are disease-ridden, and face considerable health issues. Sarah, a 30-year-old woman in Mazar-e-Sharif, said: “Our children are often ill because the whole environment is not hygienic. In particular the seasonal illnesses are very common; during winter and summer it affects the children a lot.”<sup>175</sup>

The lack of health care for women and girls is a particular issue, especially for obstetrics, specifically childbirth issues, and gynaecological problems. Most women told Amnesty International that they could not afford to attend hospitals when pregnant but give birth at home in often unsanitary conditions and without skilled help. One 35-year-old woman in Herat said: “My brother’s wife gave birth to a severely malnourished child who could only survive for three days. She had no assistance at all before or after the delivery. She has been traumatised since then; she says she will only get pregnant again if her life gets better.”<sup>176</sup>

## 4.4 FOOD

**“Food is a luxury here, no one can afford it. We mostly live off bread or spoiled vegetables from the market. The last time we received food assistance was ahead of last winter when we got three sacks of wheat.”**

Raz Muhammad, a community leader in the Chaman-e-Babrak camp in Kabul, speaking in November 2015<sup>177</sup>

**“It is a question of access to food rather than its production. Special attention needs to be given to female-headed households and displaced people to improve their access to, and improvements of, agriculture-based livelihoods.”**

Tomio Shichiri, Food and Agriculture Organization of the United Nations (FAO) Representative in Afghanistan<sup>178</sup>

### AFGHANISTAN’S INTERNATIONAL OBLIGATIONS

The right to adequate food is enshrined in the ICESCR (Article 11) and other international treaties that Afghanistan is a party to, such as the Convention on the Elimination of All Forms of Discrimination against Women (1979) and the Convention on the Rights of the Child (1989). The Committee on Economic, Social and Cultural Rights has affirmed that the right to adequate food is “invisibly linked to the inherent dignity of the human person” and that it is indispensable for the fulfilment of a number of other rights.<sup>179</sup>

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<sup>174</sup> Amnesty International interviews in Mazar-e-Sharif, November 2015.

<sup>175</sup> Amnesty International interview in Mazar-e-Sharif, November 2015.

<sup>176</sup> Amnesty International interview in Herat, November 2015.

<sup>177</sup> Amnesty International interview in Kabul, November 2015.

<sup>178</sup> Pajhwok, “Severe food insecurity on the rise in Afghanistan: UN”, 10 September 2015, available at <http://www.pajhwok.com/en/2015/09/10/severe-food-insecurity-rise-afghanistan-un>.

<sup>179</sup> Committee on Economic, Social and Cultural Rights, General Comment 12, *The Right to Adequate Food (Art. 11)* ¶ 4.

The right to adequate food does not mean the mere intake of a certain number of nutrients each day, but requires that all people have physical and economic access at all times to “adequate food or means for its procurement”.<sup>180</sup> The right is to be progressively realised, but states have a core obligation to take the “necessary action to mitigate and alleviate hunger”, even in times of natural and other disasters.<sup>181</sup>

## WHAT THE IDP POLICY SAYS

The Policy affirms the right of displaced people to request and receive food assistance, although it does not specify a process for this. The Policy tasks the MoRR with ensuring that all aid to them is offered while respecting international standards and without discrimination, and that winterization packages – “cold packages” of non-food items such as tents, blankets and fuel to protect against the cold winter weather - are provided to help persons in displacement survive extremely cold temperatures. It further tasks the Ministry with considering the possibility of cash and voucher assistance programs to permit the displaced to “purchase what they need” when local markets are functioning.<sup>182</sup>

## THE REALITY FACING IDPS

Food insecurity has increased hugely across Afghanistan in recent years, with 5.9% (or 1.5 million people) of the population estimated to be severely food insecure in September 2015, a rise from 4.7% on the year before. The Food Security and Agriculture Cluster has pointed to displaced people as particularly vulnerable to food insecurity.<sup>183</sup>

In all communities we visited getting enough food to eat was a daily struggle, and families said that there had been no real improvement in their access to food over the past three years. Aid is usually sporadic and ad hoc (or delivered at particular times of the year, such as winterization packages), and almost only distributed by international agencies and the UN and not the Afghan government. For the overwhelming majority of displaced people we interviewed, providing even one daily meal is often a struggle.<sup>184</sup>

Since the daily income for most of those displaced comes from irregular work in the informal sector, families’ ability to buy food often changes from day to day. One 18-year-old woman in Mazar-e-Sharif said: “Once, my husband couldn’t find a job for several days. He only earned 10 Afs, we had nothing to eat and the children had to sleep with an empty stomach.”<sup>185</sup> When families can afford food, it usually consists of grains and vegetables, often leftovers which were not sold during trading day at the market. Several families said that their usual meal consists of little other than naan bread and tea. In none of the settlements we visited did residents mention the availability of cash and voucher assistance programs, which were mentioned as options to alleviate food insecurity in the IDP Policy.

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<sup>180</sup> Committee on Economic, Social and Cultural Rights, General Comment 12, *The Right to Adequate Food (Art. 11)* ¶ 6.

<sup>181</sup> Committee on Economic, Social and Cultural Rights, General Comment 12, *The Right to Adequate Food (Art. 11)* ¶ 6.

<sup>182</sup> IDP Policy, Section 7.1.5: Right to Water, Food, Clothes – Adequate Standard of Living.

<sup>183</sup> IDP Policy, Section 7.1.5: Right to Water, Food, Clothes – Adequate Standard of Living..

<sup>184</sup> Based on Amnesty International interviews in Herat, Kabul and Mazar-e-Sharif.

<sup>185</sup> Amnesty International interview in Mazar-e-Sharif, November 2015.

## 4.5 EMPLOYMENT

**“My husband says he would rather die than live in this situation. He says that on the days that he doesn’t earn any money, he doesn’t want to come home since he can’t face the children’s questions.”**

Latifa, 37, who lives with her husband and three children in a camp in Mazar-e-Sharif<sup>186</sup>

### AFGHANISTAN’S INTERNATIONAL OBLIGATIONS

The ICESCR recognizes the right to work, which includes the right of everyone to the opportunity to gain her or his living by work. Under this Covenant, state parties are obligated to provide technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment.<sup>187</sup>

The Committee on Economic, Social and Cultural Rights emphasized that even though realization of the right to work is progressive and takes place over a period of time, state parties have a specific and continuing obligation “to move as expeditiously and effectively as possible” towards the full realization of the right to work.<sup>188</sup> State parties are required to formulate and implement an employment policy with a view to “stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment”.<sup>189</sup> Moreover, effective measures should be undertaken by state parties to increase the resources allocated to reducing the unemployment rate, in particular among women, the disadvantaged and marginalized. The obligation to fulfil the right to work includes the implementation by state parties of plans to counter unemployment.<sup>190</sup>

The right to work is guaranteed under the Afghan Constitution, and is codified in the Afghan Labour Law, which establishes and regulated the rights and benefits afforded employees and those seeking employment.<sup>191</sup>

### WHAT THE IDP POLICY SAYS

The Policy recognises that displacement from one’s home often means losing one’s livelihood, and that the skills of those displaced are not necessarily transferrable from their home areas to where they settle (e.g. from agricultural regions to urban areas).

It further tasks the Ministry of Labour, Social Affairs, Martyrs and the Disabled (MoLSAMD) to ensure that displaced people are not discriminated against in the job market, that those who were state employees can transfer their jobs to their new places of residence, and that the displaced receive assistance in search of employment, including by the establishment of employment service centres and provision of vocational trainings.<sup>192</sup>

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<sup>186</sup> Amnesty International interview in Mazar-e-Sharif, November 2015.

<sup>187</sup> ICESCR, Article 6.

<sup>188</sup> Committee on Economic, Social and Cultural Rights, General Comment 18, *Article 6: the equal right of men and women to the enjoyment of all economic, social and cultural rights* ¶ 20.

<sup>189</sup> Committee on Economic, Social and Cultural Rights, General Comment 18, *Article 6: the equal right of men and women to the enjoyment of all economic, social and cultural rights* ¶ 26.

<sup>190</sup> Committee on Economic, Social and Cultural Rights, General Comment 18, *Article 6: the equal right of men and women to the enjoyment of all economic, social and cultural rights* ¶ 26.

<sup>191</sup> Constitution of Afghanistan, Article 48.

<sup>192</sup> IDP Policy, Section 7.1.4: The Right to Livelihood.

## THE REALITY FOR THOSE DISPLACED

Since Amnesty International's last report on the internally displaced in 2012, the Afghan economy has taken a significant turn for the worse. Afghanistan since 2001 existed inside a typical "aid bubble", with the international presence propping up much of the economy. The national budget has since 2001 been to roughly 70% funded by foreign donors (69% in 2016).<sup>193</sup> With the international troop pull-out and reduction in foreign donor money over the past years, Afghanistan's economy has been badly hit and the country is facing a serious financial crisis. The annual growth rate has shrunk to 1.3% in 2014 from a 6.9% average from 2007 to 2012.<sup>194</sup> A recent SIGAR report noted that the Afghan economy's prospects are shifting "from troubling to bleak".<sup>195</sup> Although there is no consensus on reliable unemployment statistics in Afghanistan, according to the government body Central Statistics Organisation the unemployment rate had reached 40% in October 2015, an increase of 15% in just one year.<sup>196</sup>

Although the economic situation is difficult for many in Afghanistan, those displaced face particular challenges as they have been uprooted from their livelihoods and support networks. A recent study of displaced people in Kabul informal settlements found that the majority lacked basic skills like literacy or numeracy, and even fewer had specific vocational skills, significantly hampering their access to job markets.<sup>197</sup> The overwhelming majority of displaced people that Amnesty International interviewed struggled to find regular employment. Most families were reliant on a single breadwinner – usually the male head of household – who was engaged in informal, part-time work, often in manual labour as a porter at a local market or assisting with construction work. In several cases, children had been forced to prioritise work over school in order to help feed their families and were engaged in menial labour such as shoe-shining or *espanđi* – warding away misfortune by performing a ritual for passers-by in exchange for money – during the day. Even families who were able to obtain a meagre income struggled to afford enough food to eat.

The growing number of displaced people in several of the camps has meant that competition for the few employment opportunities available has become even tougher. In Chaman-e-Babrak in Kabul, most of the men are employed informally as day-labourers or porters for a nearby market, but Raz Muhammad, an IDP representative, said even these employment opportunities had dried up: "Too many people are jobless, too many people want to make a living". Many displaced people said that work was easier to come by during the summer months when markets were still open but that during the winter "people just sit at home".<sup>198</sup> In the communities we spoke to, none of the displaced people reported having received any assistance from the government in the form of vocational training or help in securing employment.

Lilah, a 22-year-old woman, who had been forced to flee her native Maimana District in Faryab province because of clashes between government forces and the Taliban, said: "My main problem is poverty from which we suffer a lot. Sometimes my children get sick and I don't know what to do about it. We can spend days and nights without eating because my husband sometimes finds a job but sometimes doesn't; particularly when it rains he cannot find a job or earn anything." Lilah's husband works in a nearby market pushing a cart, earning 50-150Afs per day when he can find work.<sup>199</sup>

Women's employment prospects are often particularly affected by displacement from rural to urban areas, as agriculture is one of the only sectors where they would be allowed to work by husbands or fathers. A lack of access to education also means that women often lack transferrable skills to adopt to new employment markets during displacement – studies have, for example, shown a remarkably high illiteracy rate among

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<sup>193</sup> Constitution of Afghanistan.

<sup>194</sup> Figures from the World Bank, available at <http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG/countries/AF?display=graph>; Jared Ferrie, "Afghanistan's surprisingly predictable economic crash" *IRIN News*, 14 March 2016, available at <https://www.irinnews.org/analysis/2016/03/14/afghanistan%E2%80%99s-surprisingly-predictable-economic-crash>.

<sup>195</sup> SIGAR, "Quarterly Report to United States Congress", 30 January 2016, p. 3. Available at <https://www.sigar.mil/pdf/quarterlyreports/2016-01-30qr.pdf>.

<sup>196</sup> Zabiullah Zhanmal, "Unemployment Rate Spikes by 15 Percent in Afghanistan", 2 October 2015, available at <http://www.rawa.org/temp/runews/2015/10/02/unemployment-rate-spikes-in-afghanistan.html#ixzz42F0InLMZ>.

<sup>197</sup> Samuel Hall, *Sustaining the Working Poor in Kabul Informal Settlements: An Evaluation of Solidarites International's Vocational Training Program*, December 2012, available at <http://samuelhall.org/wp-content/uploads/2012/12/Sustaining-the-Working-Poor-in-the-Kabul-Informal-Settlements.pdf>.

<sup>198</sup> Amnesty International interviews in Kabul, November 2015.

<sup>199</sup> Amnesty International interview in Mazar-e-Sharif, November 2015



displaced women, even compared to Afghanistan's low national average. Widows and other female head of households in displaced families are particularly badly affected by this economic isolation.<sup>200</sup>

## 4.6 EDUCATION

**“I’ve been here since I was a child. Since I was a little kid I’ve always had to struggle. I could never go to school, there was no time as I had to make a living. Survival always came first.”**

Freshhta, a 16-year-old girl in Chaman-e-Babrak in Kabul.<sup>201</sup>

### AFGHANISTAN’S INTERNATIONAL OBLIGATIONS

The ICESCR enshrines everyone’s right to education, including the right to free and compulsory primary education, the accessibility and availability of secondary and higher education and the progressive realisation of free secondary and higher education.<sup>202</sup>

While the Covenant provides for progressive realization and recognises the economic constraints on a state’s implementation, the Committee on Economic, Social and Cultural Rights has confirmed that state parties have “a minimum core obligation” that must be fulfilled immediately, including to ensure the right of access to public educational institutions and programs to provide primary education for all, and to adopt and implement a national educational strategy which includes provision for secondary, higher and fundamental education.<sup>203</sup>

The Covenant also imposes on state parties the immediate obligation to take measures that prevent third parties from interfering with the enjoyment of the right to education.<sup>204</sup> Moreover, sharp disparities in spending policies that result in differing qualities of education for persons residing in different geographic locations may constitute discrimination under the Covenant.<sup>205</sup> The Committee has also reiterated the obligation of all state parties to take steps to use international assistance and co-operation, especially economic and technical, to fulfil the right to education, when necessary.<sup>206</sup>

Additionally, the Constitution of Afghanistan guarantees that the government provides education free of charge “up to the level of B.A. (*lisans*)”.<sup>207</sup>

### WHAT THE IDP POLICY SAYS

The Policy tasks the Ministry of Education with ensuring that primary and secondary education is free and compulsory for displaced children. It also affirms that there should be school facilities located closely to IDP camps, that children resident there have the right to attend school along with local children, and that no

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<sup>200</sup> Nassim Majidi and Camille Hennion, “Resilience in displacement? Building the Potential of Afghan Displaced Women”, *Journal of Internal Displacement*, pp. 81-82. Available at <http://samuelhall.org/REPORTS/Building%20the%20resilience%20of%20Afghan%20displaced%20women.pdf>.

<sup>201</sup> Amnesty International interview, Kabul, November 2015.

<sup>202</sup> International Covenant on Economic, Social and Cultural Rights, Article 13.

<sup>203</sup> Committee on Economic, Social and Cultural Rights, General Comment 13, *The Right to Education*, ¶ 57.

<sup>204</sup> Committee on Economic, Social and Cultural Rights, General Comment 13, *The Right to Education*, ¶ 47.

<sup>205</sup> Committee on Economic, Social and Cultural Rights, General Comment 13, *The Right to Education*, ¶ 35.

<sup>206</sup> Committee on Economic, Social and Cultural Rights, General Comment 3: The Nature of States Parties’ Obligations (Art. 2, Para. 1, of the Covenant) ¶ 13.

<sup>207</sup> Constitution of Afghanistan, Article 43.

student should be denied access because they cannot pay for school uniforms, books or other similar supplies.<sup>208</sup>

Crucially, the Policy also affirms that displaced people should not be denied access to education on the grounds that they do not have a *tazkera* (national identity card). As Amnesty International has documented, many of those displaced faced huge obstacles in obtaining a *tazkera* which can only be procured in one's home province, where the security situation often made it impossible for them to return.<sup>209</sup>

## THE REALITY FOR THOSE DISPLACED

Improved access to education – in particular for girls – is often pointed to as one of the major achievements since the 2001 fall of the Taliban. There have been noteworthy improvements in the education sector, including a significant rise in school attendance, in particular among girls, and the establishment of more educational institutions at all levels.<sup>210</sup> Yet access to schooling remains a serious problem across Afghanistan, with UNICEF estimating that 40% of children are unable to attend primary or secondary school due to the conflict or unavailability of schools.<sup>211</sup> SIGAR and media have also highlighted the difficulty of verifying how foreign aid to the education sector has been spent.<sup>212</sup> A recent investigative study revealed how many of the schools claimed by Afghan authorities and international donors to be fully functional were in fact empty “ghost schools” without any students or teachers.<sup>213</sup>

While obtaining quality schooling is a challenge across Afghanistan, it was evident from Amnesty International's interviews that this is even more of an issue for those displaced. A recent study by the World Bank and the UN, for example, found markedly lower literacy rates and formal levels of education among displaced families than other urban poor because they face additional barriers to gain an education or do not have easy access to schools.<sup>214</sup>

Despite the IDP Policy specifically stating the those displaced should not be barred from an education because they cannot afford material like books, school uniforms and pens, many families said they still could not send their children to school precisely because they did not have the funds for such material. There is often also financial pressure to keep children out of school to support the family financially by working, or a need to stay at home to look after younger siblings.

In Balkh, some of the displaced families are able to send their children to nearby government-run schools where the quality of education is reported as good.<sup>215</sup> Others, however, noted financial obstacles in seeking an education for their children. One 35-year-old woman in Mazar-e-Sharif said: “The reason our children do not go to school is that we cannot afford the school expenses. The children are also working day and night with washing cars, doing shoe polishing and collecting plastic bags to earn some money.”<sup>216</sup> In Charahi Qambar, most families said their children's only option for a rudimentary education was to attend a local mosque that offers some religious teaching classes.<sup>217</sup>

Some of the children and their parents reported to Amnesty International that the children stay away from school because they are bullied by their classmates for being poor and coming from a camp. Many children, in particular those from Charahi Qambar and Chaman-e-babrak in Kabul, said that they are often being told that they are dirty, smelly and called names by both students and teachers.

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<sup>208</sup> IDP Policy, Section 7.1.8: Right to Education.

<sup>209</sup> Amnesty, *Fleeing war*, p. 68.

<sup>210</sup> Arne Strand, “Expanding and improving the quality of girls' education in Afghanistan”, Brookings Institution, 19 August 2015, available at <http://www.brookings.edu/blogs/education-plus-development/posts/2015/08/19-girls-education-afghanistan-strand>.

<sup>211</sup> UNICEF, “One in four children in conflict zones are out of school”, 12 January 2016, available at [http://www.unicef.org/media/media\\_89782.html](http://www.unicef.org/media/media_89782.html).

<sup>212</sup> SIGAR, “Response to SIGAR Letter to the Department of State”, 11 June 2015, <https://www.sigar.mil/pdf/special%20projects/SIGAR-15-62-SP.pdf>.

<sup>213</sup> Azmat Khan, “Ghost Students, Ghost Teachers, Ghost Schools”, *BuzzFeed*, 9 July 2015, available at [https://www.buzzfeed.com/azmatkhan/the-big-lie-that-helped-justify-americas-war-in-afghanistan?utm\\_term=.lsM3d3KQ0#.sw8QOQL13](https://www.buzzfeed.com/azmatkhan/the-big-lie-that-helped-justify-americas-war-in-afghanistan?utm_term=.lsM3d3KQ0#.sw8QOQL13).

<sup>214</sup> UNHCR and The World Bank, *Research Study on IDPs in urban settings – Afghanistan*, May 2011, p. 7, available at [http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1265299949041/6766328-1265299960363/WB-UNHCR-IDP\\_Full-Report.pdf](http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1265299949041/6766328-1265299960363/WB-UNHCR-IDP_Full-Report.pdf).

<sup>215</sup> Amnesty International interview in Mazar-e-Sharif, November 2015

<sup>216</sup> Amnesty International in Mazar-e-Sharif, November 2015.

<sup>217</sup> Amnesty International interview in Kabul, November 2015.

There is also much recent evidence that displaced women and girls find it particularly difficult to access education. A comprehensive 2014 study by the NRC and The Liaison Office found that young displaced women and girls are often forbidden from leaving their homes by male relatives, making attending school—extremely difficult. The isolationism facing women and girls contributed to a sense of desperation and hopelessness, with the study reporting serious mental trauma among interviewees.<sup>218</sup>



*A room used as a classroom for displaced children in Chaman-e-Babrak settlement in Kabul, November 2015 © Amnesty International*

<sup>218</sup> NRC, *Listening to women and girls displaced to urban Afghanistan*, January 2015, p. 8, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/9194461.pdf>.

# 5. CONCLUSION AND RECOMMENDATIONS

The intensifying conflict in Afghanistan has taken a devastating toll on ordinary Afghans, hundreds of thousands of whom have been forced to flee their homes. In the space of little more than three years, the number of those internally displaced by conflict has more than doubled in the country and today stands at more than one million. With levels of violence showing no sign of abating, there is every reason to believe that this trend will only continue in the near future.

The endorsement of a new National Policy for Internally Displaced Persons in February 2014 offered fresh hope that those displaced – who have long suffered in horrific conditions – would see their human rights better protected and upheld. So far, however, the IDP Policy is an unfulfilled promise. The Afghan government is primarily responsible for protecting the rights of those displaced and for implementing the Policy.

Amnesty International recognizes that the Afghan government is facing enormous challenges in terms of the worsening security situation and the flagging economy. Endorsing the IDP Policy was a significant and welcome step, and the implementation of such a comprehensive policy was never going to be a fast or straightforward process. The lack of progress to date is, however, alarming, in particular at a time when the number of internally displaced has exploded. The Afghan government and its international allies must act now to respond to the growing displacement crisis.

## RECOMMENDATIONS TO THE AFGHAN GOVERNMENT

### PROVIDE FOR IMMEDIATE NEEDS

- The Ministry of Refugees and Repatriation (MoRR) and the provincial-level Departments of Refugees and Repatriation – with other line ministries, including Interior, Public Health and Education - should ensure that displaced people receive emergency humanitarian aid without delay to provide for their immediate needs, including housing, food, water, and health care.
- The government should seek international assistance and support if necessary to comply with Afghanistan's obligation to provide displaced persons and returning refugees with immediate humanitarian assistance.

## **IMPLEMENTATION OF THE IDP POLICY**

- The Afghan government, with international support, should launch an awareness raising program of the Policy targeting relevant line ministries and their provincial departments, to raise awareness of their obligations and of the rights of internally displaced people under the Policy.
- The awareness raising campaign should be extended to IDP communities so that they are aware of their rights and the Policy.
- The Afghan government, with international support, should initiate a wide-ranging training program across relevant Afghan institutions, focusing on the technical skills needed to implement the IDP Policy, such as knowledge of IDP rights and the implementation of specific programs to benefit IDPs.
- The Afghan government should engage national Afghan media on the IDP issue, to raise public awareness of the specific needs facing IDPs and the Policy.
- The President's Office – recognising the MoRR's limitation as the Policy's main coordinating and implementing body - should ensure that the implementation of the IDP Policy is a priority, and ensure that officials at provincial levels implement the Policy.
- The Afghan government should ensure that the prohibition on forced evictions set out in the IDP Policy is respected by all actors, both government and private.

## **TO PROVINCIAL GOVERNMENTS**

- The provincial governments of Balkh, Herat and Nangarhar should ensure that the Provincial Action Plans for implementation of the IDP Policy are prioritised and completed as soon as possible, and if necessary request assistance from members of the IDP Policy Working Group in doing so.
- Until the Provincial Action Plans are being drafted, the provincial government should identify short-term programs that could benefit displaced people using the principles set out in the Policy. The provincial governments should monitor ongoing examples of this – such as attempts to formalise Maslakh camp in Herat – and replicate if proven successful.
- Other provincial governments not included in the pilot rollout phase – but with significant IDP populations – should start a needs assessment of their displaced populations to lay the groundwork for implementing the Policy. The Ministry of Finance and other relevant authorities should ensure that the resources are available for this.

## **TO THE MORR AND OTHER LINE MINISTRIES**

- The MoRR should urgently develop a realistic budget plan for the implementation of the IDP Policy. Other line ministries should ensure that their budget proposals feature activities and programs designed to meet the specific needs of internally displaced people.
- The Ministry of Finance should ensure that national budget funds are available for the implementation of the Policy and monitor these programs for accountability.

## **RECOMMENDATIONS TO THE TALIBAN AND OTHER ARMED GROUPS**

- Ensure that International Humanitarian Law is fully respected by ceasing attacks targeting civilians and civilian objects, attacks that do not attempt to distinguish between military objectives and civilians or civilian objects, and all disproportionate attacks.
- Take all other necessary measures to protect the civilian population and civilian objects from the dangers arising from military operations, whether in defence or in attack.
- Take all necessary measures to prevent the forced displacement of civilians as a result of military operations.

## **RECOMMENDATIONS TO THE AFGHAN NATIONAL SECURITY FORCES**

- Ensure that every measure is taken to prevent and mitigate forced displacement as a result of military operations as stipulated by International Humanitarian Law.
- Take all other necessary measures to protect the civilian population and civilian objects from the dangers arising from military operations, whether in defence or in attack.
- Share relevant information on humanitarian needs and displacement with relevant government and humanitarian actors, in particular in insecure areas where independent humanitarian actors find access difficult.

## **RECOMMENDATIONS TO THE INTERNATIONAL COMMUNITY, IN PARTICULAR TO MAJOR DONOR GOVERNMENTS SUCH AS THE USA, THE EU, CANADA, AND JAPAN**

- International donors should ensure that their humanitarian assistance to Afghanistan includes a focus on internally displaced persons and returning refugees and should support initiatives that address the priority needs of these populations.
- International donors should offer to extend expertise and training to Afghan institutions to develop capacity, skills and expertise involved in work with IDPs and the Policy's implementation.
- International donors should ensure that the plight of IDPs is highlighted during any discussions about future funding for Afghanistan.

## **RECOMMENDATIONS TO THE UNITED NATIONS**

- UN-Habitat and UNHCR should explore the possibility of replicating programs implemented under the principles of the Policy – for example, in Maslakh in Herat – in other pilot provinces.
- UNHCR and OCHA – recognising the current lack of capacity and resources in the Afghan government – should lend more expertise and support to the process of implementing the IDP Policy.
- Relevant UN agencies should ensure that their humanitarian assistance to Afghanistan includes a focus on internally displaced persons and returning refugees and should support initiatives that address the priority needs of these populations.



*A displaced woman with her daughter in Kabul, November 2015 © Amnesty International*

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# **“MY CHILDREN WILL DIE THIS WINTER”**

## **AFGHANISTAN’S BROKEN PROMISE TO THE DISPLACED**

The intensifying conflict in Afghanistan has taken a devastating toll on civilians. In just three years, the number of people who have been forced to flee their homes due to the war has more than doubled to some 1.2 million today. Those internally displaced live in horrific conditions on the brink of survival, with little access to food, education or health care.

In 2014, the Afghan government endorsed a new National Policy for Internally Displaced Persons, which could have been a lifeline for the hundreds of thousands driven from their homes. Instead, two year later the Policy is a failed promise. Its implementation has been stymied by a lack of resources and capacity in the Afghan government, and fading interest in Afghanistan from key international actors.

The Afghan government and the international community must do much more to tackle the country’s growing displacement crisis.

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