

**Stakeholder report by the Internal Monitoring Displacement Centre (IDMC) of the
Norwegian Refugee Council (NRC)
to the Universal Periodic Review mechanism established by the Human Rights Council
in Resolution 5/1 of 18 June 2007**

For consideration at the 18th session of the UPR Working Group (January 2014)

Internal displacement in Afghanistan

14 June 2013

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Attachments:

Afghanistan: Comprehensive response urgently required as displacement crisis worsens,
IDMC, 25 March 2013

*Challenges of IDP Protection: Research study on the protection of internally displaced
persons in Afghanistan, NRC/IDMC/Samuel Hall/JIPS, November 2012*

I. Background to internal displacement in Afghanistan

Afghanistan has experienced extraordinary levels of forced displacement due to over three decades of armed conflict, generalised violence, natural disasters and human rights violations. Since 2009, internal displacement has continued to increase significantly year on year against a backdrop of continuing armed conflict, high civilian casualties, increased abuses by non-state armed groups and pervasive conflict-related violence. In the absence of effective early-warning and preparedness measures or disaster risk reduction mechanisms, many Afghans are also displaced by frequent, but relatively small-scale, natural disasters.

According to Afghanistan's National IDP Task Force, in 2012 an estimated 104,000 Afghans were newly displaced by conflict and human rights abuses. A further 30,000 people were displaced by natural disasters.¹ As of April 2013, the total conflict-displaced population was 534,000, although the actual number of internally displaced persons (IDPs) is undoubtedly far higher given the difficulties in accurately profiling the displaced.²

The vast majority of conflict-related displacement still occurs in the south, east and west of Afghanistan; however, the spread of conflict and insecurity across the country is changing patterns of displacement. In May 2010, only five per cent of conflict displacement occurred in north and central Afghanistan, but by April 2013 it was roughly 20 per cent. Afghanistan is experiencing rapid urbanization and an estimated 60-70 per cent of the urban population now lives in informal – or unplanned – urban settlements. Growing numbers of IDPs seek relative safety in cities and towns and urban displacement is a growing concern. Over three quarters of IDPs now intend to settle permanently in their current location and not to return to their place of origin, even if security improves. Urban IDPs are even less likely to wish to return.³ Afghan refugee returnees who cannot re-integrate into their communities of origin often also find themselves in an 'IDP-like' situation.

The government has lacked the political will, institutional capacity and funding necessary to meet its human rights obligations to the internally displaced. National and provincial authorities do not consistently acknowledge their responsibility for protecting and assisting IDPs, and often view them as economic migrants. Afghanistan has not developed a comprehensive national legal framework or plan of action on internal displacement. Coordination of responses to IDPs across government has not been effective and roles and responsibilities of relevant line ministries, provincial authorities and other state actors have been poorly defined. In many parts of the country, the presence of non-state armed groups in areas of displacement is a further significant constraint to the exercise of effective national responsibility.

II. Achievements in upholding the rights of the internally displaced

During 2012 and 2013 there have been welcome signs of a new commitment by government to address internal displacement, most visible in the progress made towards developing a national IDP Policy.

Following a decision by President Karzai and the Cabinet in February 2012, the government announced its intention to develop a comprehensive national IDP policy. Elaboration of the IDP policy began in mid-2012, led by the Ministry of Refugees and Repatriation (MoRR),

¹ [IDMC](#), *Global Estimates 2012: People Displaced by Disasters*, May 2013, p.45

² UNHCR Afghanistan, 'Conflict-induced Internal Displacement Monthly Update', April 2013, p.1

³ [NRC/IDMC/JIPS/Samuel Hall](#), *Challenges of IDP Protection: Research study on the protection of internally displaced persons in Afghanistan*, November 2012, p.45

with technical support from an IDP Policy Working Group and international advisor. In July, the MoRR hosted a first National Consultative Workshop on the policy, attended by UN Special Rapporteur on human rights of IDPs, Chaloka Beyani, key government ministries, civil society and IDPs. At the workshop, the Minister of Refugees and Repatriation re-stated the government's policy commitment to address the needs of all IDPs through inclusive and consultative processes. After initial consultations with provincial governors, mayors, *shuras*, IDPs and national ministries, drafting of the policy began in late 2012. A consolidated first draft was completed in early 2013, and a second-round of provincial level consultations on the draft undertaken in March and April. On 22 May 2013, a wide-range of government and other stakeholders reviewed a final draft of the National IDP Policy at a second National Consultative Workshop convened by the MoRR in Kabul.

In June, Afghanistan's IDP Policy is expected to be sent by the MoRR to Cabinet for adoption. If adopted as currently proposed, and swiftly implemented, the policy will represent a timely and significant step forward in ensuring the protection of Afghan IDPs' human rights.

III. Main issues of concern

Non-discrimination and the Right to an Adequate Standard of Living

Authorities have not taken adequate steps to establish conditions for durable solutions. Local integration is the settlement option of choice for three-quarters of IDPs. This right is not formally recognized, and the government continues to link assistance and solutions for IDPs to return to their place of origin. Some provincial authorities have been unwilling to assist IDPs arriving from other provinces, arguing they should remain close to their former homes to expedite return. Under Presidential Decree 104, a Government-administered Land Allocation Scheme (LAS) grants some returning IDPs access to land, but excludes those seeking to integrate locally from similar assistance.⁴ Against a backdrop of rapid urbanisation, urban displacement presents particular challenges for municipal authorities. Both recent and longer-term urban displaced have been left without any significant government support or public services for many years. Under such circumstances, protracted urban displacement is a growing concern.

Right to Adequate Food and Water

The government has not met minimum obligations to provide vulnerable IDPs with access to food and water. Access to food is a major concern in both rural and urban areas. The vast majority of IDPs spend over three quarters of their income on food, with almost half spending above 90 per cent. Measures reducing the quality and quantity of food are often used as a coping strategy. Displaced families are also less likely to have access to safe drinking water. One third of IDPs report a lack of access to water as one of the primary concerns facing their households. Available water sources are severely limited, of low quality and the cause of disputes with neighbors and host community.⁵

Right to Adequate Housing, including the prohibition on forced evictions

Displacement leads to particular shelter and housing needs. With few resources at their disposal, many displaced families (40 per cent) live in overcrowded, poor-quality temporary shelters or shacks without access to adequate sanitation, electricity or basic services.⁶ Exposed to the elements, over 100 IDPs, including children, died in Kabul's slums during the

⁴ Ibid., pp. 45-49

⁵ Ibid., pp. 32-33

⁶ Ibid., pp.30-31

severe winter of 2011-2012.⁷ Since 2001, tens of thousands of IDPs have sought the relative protection found in such cities as Kabul, Mazar-e-Sharif and Herat. Here they live among the urban poor in informal – or unplanned – settlements which are characterized by inadequate infrastructure, weak security of tenure, and absence of basic services. Significant numbers of IDPs are also squatting illegally on private or government owned land, where they face the constant threat of eviction. In Kabul, approximately 32,000 acutely vulnerable people, including numerous IDPs, live in dire conditions in over 50 illegal settlements.

A preliminary survey by NRC/IDMC identified cases of large-scale forced evictions in the provinces of Farah (November 2012), Nangahar (May 2012), Mazar-e-Sharif (October 2011) and Kabul (March 2013). In urban and semi-urban areas across Afghanistan, hundreds of vulnerable IDP families (and refugee returnees living in IDP-like situations) have been evicted from government-owned land to make way for urban development projects such as road construction, public housing and parks. Human rights concerns were reported at every stage of the eviction process and typically included: failure to obtain a court order for an eviction; failure to provide adequate, or any, prior notification of the eviction; use of excessive force during evictions leading to injury or destruction of property; arbitrary arrest of IDPs during evictions and failure to provide alternative housing, resulting in homelessness and heightened vulnerability after the eviction had occurred. Where municipal authorities do offer a relocation option, the alternative proposed site will not materialize in practice, or if it does, will frequently not include shelter, access to basic services, and livelihood options, thus making it unviable.

The threat of forced eviction is even more widespread, with many IDPs living for years with the ongoing risk of losing their homes at any moment. In Kabul, and elsewhere, dozens of vulnerable IDP families residing in illegal settlements reported that they had been instructed by officials to vacate their homes, even though no effective measures have been put in place for their relocation.

Right to Work

IDPs lack access to regular and sufficient employment and their incomes fall significantly as a result of displacement. Displacement often forces a change in employment patterns from agriculture to construction, and from self-employment to casual daily wage labour, leading to chronic under- or unemployment. Research has found that unemployment rose by six per cent during displacement. Though many IDPs seek to diversify income, they often lack the vocational skills required, or the means to purchase equipment or access capital. Urban IDPs have lower rates of unemployment but are more likely to rely on badly paid and insecure daily wage labour in the informal employment sector.⁸

Rights of IDP women

Displaced women and girls face double discrimination due to their low economic status, social isolation and absence of traditional social protection mechanisms following displacement. As a result of their displacement, IDP women are more likely to be unemployed, and be at risk of forced and early marriages or other types of exploitation. In urban areas, some typical forms of employment relied upon by male IDPs, such as construction, are not accessible to displaced women. With fewer livelihood options, IDP women are forced to rely on unstable sources of income such as begging. Overcrowded housing conditions may leave some IDP women at greater risk of domestic violence.⁹ The

⁷ Ibid., p.9

⁸ Ibid., pp.25-28

⁹ Ibid., p.8, p.35

practice of *pardah* (gendered seclusion) can also limit access to assistance and basic services; however, the government has not prioritised assistance to vulnerable female IDPs.

IV. Recommendations to the Islamic Republic of Afghanistan

1. *Swiftly adopt a National IDP Policy in line with the UN Guiding Principles on Internal Displacement and take immediate steps towards implementation, in particular:*
 - a) *Draft comprehensive national and provincial actions plans within three months of adoption of the policy;*
 - b) *Train provincial and district officials on the IDP Policy and UN Guiding Principles on Internal Displacement, and ensure specific focus on achieving durable solutions;*
 - c) *During the drafting of provincial actions plans, undertake snap-shot profiling exercises to fill identified gaps in IDP data;*
 - d) *With support from international partners, develop a standardized data-gathering and analysis system to provide a comprehensive overview of all types of displacement;*
 - e) *Dedicate adequate resources to the oversight body tasked with the independent monitoring of implementation of the policy;*
2. *Establish conditions for the local integration of IDPs, in particular by guaranteeing their right to adequate housing and security of tenure. To this end:*
 - a) *Regularize informal urban settlements and expand slum upgrading programmes in areas where IDPs reside;*
 - b) *Adopt community-based approaches to urban development that encompass both host communities and the IDPs;*
 - c) *Relocate vulnerable IDPs living in illegal settlements to alternative housing and ensure all evictions are carried out in line with international human rights standards;*
 - d) *Revise Presidential Decree 104 on the Land Allocation Scheme (LAS) to ensure the eligibility of all IDPs, both in their province of displacement as well as origin. Ensure the sites provided under the LAS are viable and guarantee an adequate standard of living;*
 - e) *Take pro-active measures to ensure inclusion of IDP women's rights to housing, land and property in all land and housing policies;*

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