



AFGHANISTAN

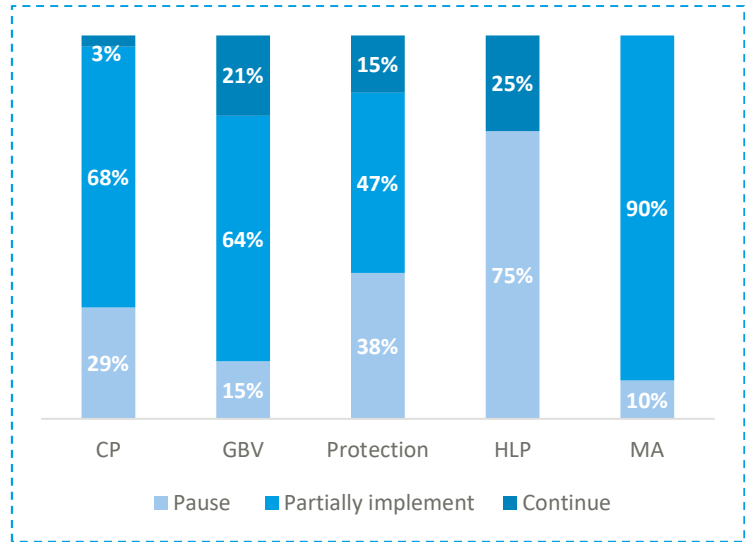
Protection Analysis Update

Protection risks after de facto authorities ban on female aid workers

February 2023

EXECUTIVE SUMMARY

On 24 December 2022, the Talibanⁱ issued a letter banning women from working in international and national non-governmental organizations (NGOs). This letter was an aggressive continuation of systematic infringements on the fundamental rights of women and girls. It was also a public display of indifference to international pressure and influence and indicates a deteriorating operational space for humanitarian actors. Several international non-governmental organizations (INGOs) operating in Afghanistan temporarily paused operations, including many protection partners. However, following an ad hoc exception, particularly for health and primary education activities, some partners partially resumed their activities. **At present about 24% of the partners (14 out of 59) have their activities suspended.**



With humanitarian operations significantly obstructed through this ban, **the protection partners have seen an increase in reliance on negative coping mechanisms such as early marriage or child labour.** The directive will further compound the overlapping humanitarian and economic crises occurring in Afghanistan, where 11.6 million women and girls are in need of humanitarian assistance in 2023 and female-headed households who are estimated to make up 10% of the population may no longer have access to critical protection services.

Ongoing and pre-existing protection risks are likely to be exacerbated under these conditions:

1. Denial of resources, opportunities, and services
2. Unlawful restriction to freedom of movements
3. Psychological and emotional abuse
4. Impediments to access to legal identity, remedies, and justice
5. Early and forced marriage

URGENT ACTIONS NEEDED

- The de-facto authorities must find a **country-wide solution that will allow women to work in all areas of operations**, and specifically to be present to identify and address the risks and vulnerabilities of women, girls, and children.
- UN agencies and humanitarian partners must guarantee an **increased monitoring of how programmes are implemented and agree on a time-bound plan to ensure that modalities compromising humanitarian principles do not become a norm for humanitarian assistance** in Afghanistan.
- The wider international community must work on a **political road map for Afghanistan**, and there must be improved and effective dialogue and engagement to prevent the situation from deteriorating further.
- Donors to Afghanistan need to maintain their support to the people of Afghanistan in the form of continuous funding and political actions, and to ensure that **transitional implementation modalities serve only the response to most urgent needs until women are allowed to work in all areas of operations.**

CONTEXT

PIN [WOMEN & GIRLS]	FEMALE AID WORKERS	HOUSEHOLDS EVICTED	GIRLS' SCHOOL DROPOUT	HAZARDOUS AREAS
11.8 M ⁱⁱ	15,000 ⁱⁱⁱ	3,688 ^{iv}	37% ^v	4,328 ^{vi}

Restrictions on women and girls' presence in the public sphere coupled with the issuance of a number of decrees have reduced the mobility of women and girls. The closure of secondary schools for girls, reduced public participation for women, the abolition of the Ministry of Women's Affairs and the establishment of the Ministry for the Propagation of Virtue and Prevention of Vice, the lack of a broad-based political system, and ongoing human rights issues were some of the systematic attempts in this regard. During the month of December, two decrees were issued restricting women and girls from public spaces and depriving them of their basic rights and opportunities to contribute to their family's financial situation and the country's development. The last decree issued by the Ministry of Economy on 24 December, banning female I/NGO humanitarian aid workers from working, not only impacted the female aid workers, but also deprived the aid recipients of lifesaving assistance. According to UN Women, one in three women organizations indicated believing that more restrictions targeting women will be announced in the next three months.

In a context where more than 15,000 women humanitarian workers^{vii} are unable to work across all sectors, and where women organizations (UN Women [Gender Alert](#)) say they will be forced to either fully or partially shut down without their female staff, there are major concerns regarding women's ability to access humanitarian assistance. The [GiHA/HAG snapshot](#) (12 January) on the impact of the ban shows that 90% of all INGOs, NGOs and UN respondents across humanitarian sectors saw an immediate impact of the ban on their ability to reach women. For protection services and specifically services provided for women by women such as GBV services and safe spaces, not having women means practically the impossibility to reach women. These services cannot be provided by men without putting affected women in harms ways. Access to women was already extremely challenging even before the ban, not least due to the lack of women humanitarian workers in the field. According to GiHA perception surveys with 2000 households in December 2022^{viii}, 56% of women said they faced difficulties in accessing assistance and 30% of those who felt unsafe accessing assistance said it was due to lack of women humanitarian workers. In a survey immediately following the ban, 96% of Awaaz (humanitarian helpline) callers surveyed noted the ban will have a negative impact and influence on women and girls' access to humanitarian services.

The ban also implies that humanitarian partners will not be able to involve women in planning the humanitarian assistance and engaging in assessments of humanitarian needs. There has already been a substantial reduction of monitoring activities and disruption of reporting channels for instances of sexual exploitation and abuse which, if continued, will result on a substantial incapacity to detect, report and address cases. Such situation may result in an increase of SEA related risks in the next period.

During the fourth quarter of 2022, de facto authorities in Afghanistan continued to threaten and actual forced eviction of people living in informal settlements. These were ongoing in Badghis, Kabul, Balkh and Herat provinces. Threat of eviction also continued to be reported as a challenge in household interviews throughout Afghanistan in higher levels by women respondents. Women and women-headed households are particularly vulnerable in informal settlements to the threat of forced eviction, given that women are more likely to be displaced in Afghanistan and to take their families with them when they flee conflicts or natural disasters. In Badghis, almost 200 women-headed households were identified among the evicted residents, and initial reports indicated the de facto authorities were refusing to register them as internally displaced to receive humanitarian assistance and also even prevented them from returning to their place of origin.^{ix} This instance of forced eviction will have broader impact on women, including disrupted access to livelihood and support networks. The monitoring of movements and possible secondary displacements was disrupted by the ban on female NGO workers and the consequent suspension of some NGO operations in the concerned province.

Prior to the ban, protection cluster was aiming to protect and assist an estimation of 6.5 millionx women, men, girls and boys through cash for protection and protection services, provision of landmine clearance and education, specialised support for children, integrated services for survivors and at-risk people, legal counselling, and documentation assistance. As of January

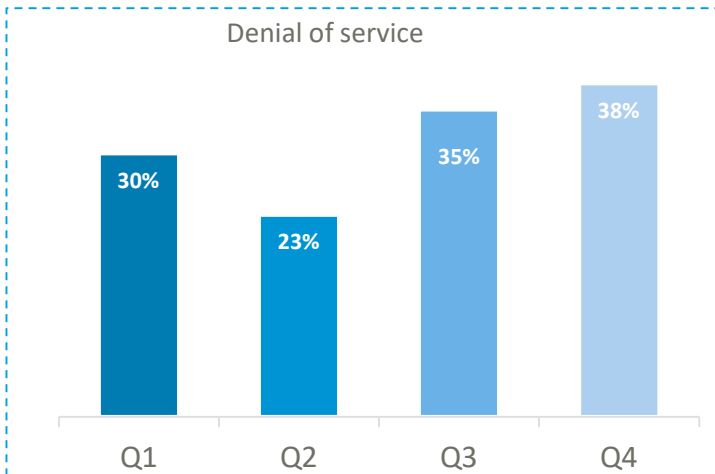
2023, the continue survey conducted by the protection cluster has estimated that over 3.4 million beneficiaries among which over 2.2 million women and girls will not be receiving assistance due to the ban.

It is important to note that the protection of civilians and increased level of human rights violation remained of grave concern across Afghanistan, even before the ban. The economic crisis, political instability, and climate change was exacerbating protection risks and the shrinking of protection space, particularly for women, girls, persons with disabilities, and other marginalized groups such as ethnic and religious minorities. The UN Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, expressed grave concerns about the desperate situation of women and girls, increased attacks on places of worship, schools, transportation systems, and minority communities during his visit in the country in late 2022^{xi}. Also, findings from research^{xii} conducted in Balkh, Nangarhar and Kandahar show that executions, forced disappearances, and deprivation of aid continues to be a threat for former government members and their families.

Without the protection activities and interventions, the centrality of protection in humanitarian response is being challenged: Children will remain deprived of humanitarian assistance - risk of exploitation and all forms of violence and abuse will increase - the continue principled of the HLP activities will be limited while house, land, and property activities enable humanitarian responses, securing land rights predicate sustainable investments, food security, shelter, WASH, GBV risk mitigation, as well as other sectors. Finally, access to agricultural land, livelihood, shelter, water points and return areas will be limited.

PROTECTION RISKS

RISK 1 Denial of resources, opportunities, services

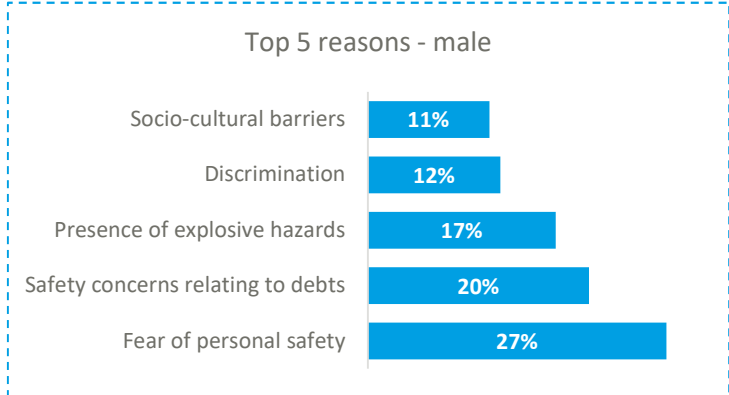


Denial of services has shown a consistent increase over the past four quarters. According to Community Based Protection Monitoring (CBPM) findings, 32% of the respondents indicated that they have been denied access to essential services. The percentage of respondents who mentioned that females have been denied accessing services is higher (36%) in comparison to male respondents (28%). When comparing the level of denial of accessing essential services with different population groups, the percentage of denied access to essential services was higher among IDPs (48%), followed by refugees and asylum seekers (47%), and undocumented returnees (27%). The top reasons for denial of access to services were affordability (fee), discrimination, non-

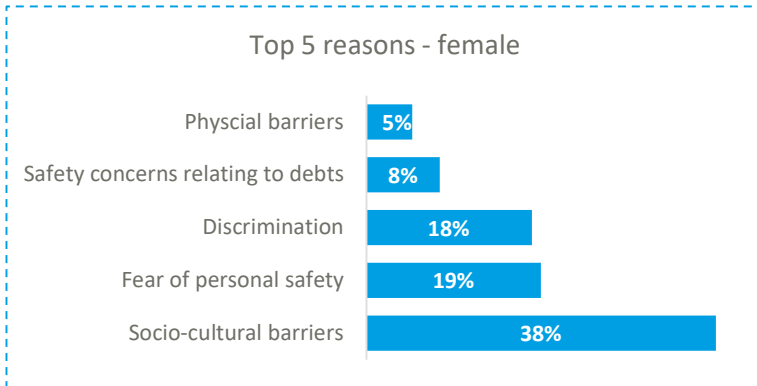
inclusive service, and movement restriction. While monitoring is still ongoing, observational reports highlights that following the ban this trend, specifically with regards to women and girls, is expected to continue to increase.

RISK 2 Unlawful restrictions to freedom of movement

Many women organizations consulted have expressed fear that the ban would also translate into more restrictions for Afghan women and girls. Women in Afghanistan are already restricted in their mobility by the mahram and dress code requirements, and many fear that the ban could be used as a way to further constrain women’s mobility and continue attacks on women’s right to life. According to UN Women, one in three women organizations indicated believing that more restrictions targeting women will be announced in the next three months^{xiii}.



Family members of former GoIRA workers and military officers continue to face challenges. Anonymized research conducted in southern parts of the country has identified that former government and military employees and their families were being



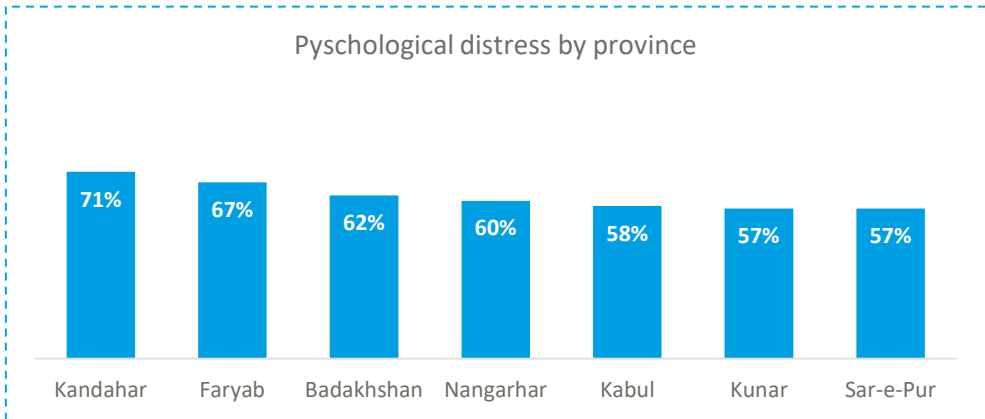
blocked from accessing essential services such as education and healthcare. The authorities often accompany NGOs requiring them to distribute aid according to their lists and directions and monitoring to whom NGOs distribute aid. Affiliation with former government members puts their families at higher risk of sexual exploitation that targets young men as well as women and girls. Research finds that fleeing communities of origin in search of anonymity was the most used strategy by the former government and military members. Some respondents reported that

their families and themselves were always on the move to escape identification. They selected locations, such as urban centres – where they could escape recognition easily.

Socio-cultural barriers feature as the top reason cited by female respondents for not being able to move freely, while the link to fear for personal safety was the primary reason cited by male respondents. Fear of personal safety and discrimination and physical barriers are also cited reasons by female respondents.

RISK 3 Psychological and emotional abuse

The developments seen over the last quarter of 2022, with reinforced restrictions on movement, an increase in evictions and denial of support and services, has heightened the risk of psychological and emotional abuse inflicted by the DFA. For many this situation is compounded by traumatic experiences such as witnessing of violence or by the breakdown of social services such as health and education services.



Women’s exclusion from the workforce will have a combined effect with the loss of assistance to women and girls and increase the risk of psychological impacts including trauma and desperation. Many women humanitarian workers are also the breadwinners for their families, and stopping them from working may lead to degrading economic conditions for thousands of families and cause further stress. This is also the case for women and vulnerable women headed households who may be deprived of assistance and succumb to negative coping mechanisms. With the broad erasure of women from society in Afghanistan and women’s complete exclusion, women organizations are mentioning the risk of increased rates of suicide for women and girls, corroborating anecdotal suicide cases of women and girls which have been reported across the country since the ban.

During the last quarter of 2022, 41% of respondents overall reported that at least one of their family members experienced psychological distress in the past 6 months. From the data collected during this quarter, certain profiles were more at risk of experiencing psychological distress. For example, women were more likely to report feelings distress (43% of the total women interviewed), compared to men (38%). Moreover, IDPs and undocumented individuals were also more likely to report psychological distress in the past 6 months (46% of respondents respectively) compared to returnees and host members.

After the ban on female workers, women and girls in need of psychosocial services will have less opportunities to access these and hinder their ability to work and to participate educational activities.

RISK 4 Impediments and/or restrictions to access to legal identity, remedies and justice

Before the ban, women were already facing challenges in accessing civil documents as the government services providing them are male-only. With no female humanitarian workers, women without identification documents are unlikely to access services providing identification documents. Particularly female headed households who cannot be reached by male humanitarian workers, will be barred from such services. This also applies to HLP and other justice related programming. GBV cases and other cases of violence or injustice against women will also remain undetected due to the absence of women field workers who women can confide in.

43% of people across the country lack access to civil documentation, with Tazkira, E-Tazkira, and passports being the three documents most commonly missing. Women are over two times as likely not to possess a paper tazkira, highlighting the historical challenges to women accessing identity documentation in Afghanistan due to social norms and other barriers. Moreover, the ban on women humanitarian workers is likely to exacerbate women’s lack of access to justice mechanisms and

their already limited access to documentation. 28% of Afghan women do not own a tazkera, which is already impeding their access to services where identification is required^{xiv}.

Lack of access to civil documentation also has a multiplier effect on the enjoyment of other human rights. The presence of checkpoints and other security measures requiring civil documentation, will restrict freedom of movement – a point which is especially relevant for women traveling with a mahram. Lack of access to adequate documentation also leaves those wishing to re-migrate with little choice but to use irregular routes to do this, notwithstanding the clear protection risks associated with doing so.

Access of the population to remedies and justice continued to be impacted by a haphazard and dynamic formal justice system. An “absence of law is one of the most serious challenges facing the country and courts continue to operate with irregular procedures and unclear sources of law”.^{xv} Impeded access to justice for women remains a critical issue in Afghanistan due to many factors, including general restrictions on women’s movement and lack of representation in the formal system and informal dispute resolution structures.

In household interviews, the main challenge reported by women in accessing dispute resolution mechanisms was lack of female representation, highlighting the impact this has on women accessing justice. Further, in many provinces, women must be accompanied by a mahram to access courts and institutions. There are also concerning reports of procedures in courts, including that testimony of women is not always permitted.^{xvi}

The use of customary justice mechanisms, the costs of using the formal judicial system, and the stigma attached to women who attempt to file cases in court are driving the use of informal dispute resolution mechanisms – especially among women. Women continue to use informal means to resolve disputes – such as family and relatives – more often than men and cite discrimination and lack of female representation as reasons for not accessing more formal mechanisms. Higher numbers of women also prefer to resolve issues themselves. However, informal access to justice at the community level may also be put at risk if women community leaders or shuras do not feel safe operating anymore, in an environment where the exclusion of women from society and from decision-making is becoming widespread.

Given the ongoing developments in the justice system in Afghanistan, regular monitoring and analysis of the formal legal system and institutions is critical. Legal assistance, particularly for vulnerable members of society such as women-headed households, disabled people or elderly people, to support them to access remedies and dispute resolution mechanisms, also remains essential.

RISK 5 Early and forced marriage

Prior to the ban, a number of households were already using negative coping mechanisms in Afghanistan out of desperation due to the worsening economic situation and lack of access to assistance. In addition to taking out loans or selling assets this includes high risk coping mechanisms such as child labour as well as forced and child marriage. Prior to the ban women headed households were already more likely to use high-risk negative coping strategies, with 29 per cent of women headed households having at least one child engaged in child labour (up from 19 per cent in 2021). Following the Taliban takeover, Afghanistan had seen a high spike in the practice of early and forced child marriages, where vulnerable families unable to feed all their children resorted to selling children – most often their girls – and in some cases, their organs. In a CARE Report from 2022, 12% of households indicated having to marry one of their girls under 18 due to the food crisis^{xvii}. The ban pushes more people to succumb to negative coping mechanisms to survive, such as the sale of children; emigration; child, early and forced marriage; and suicide. Girls forced into marriage also face increased risk of GBV, limitations in accessing reproductive health, and lower levels of completed education.

Reports of returnees resorting to forced and early/child marriage were reported by 3% and 2% of the household survey respondents respectively, with undocumented returnees and refugees more likely to resort to these coping mechanisms in Badakhshan and Faryab provinces. The root of this increase in forced and child marriage could be the restrictions on girls from accessing education, deteriorating economic conditions, severe food insecurity and movement limitations for girls/women. Key informant interview data indicates that 5% of returnees reported are resorting to child marriage as a harmful coping mechanism. Reports of child marriage, early marriage, and exchanging children for marriage were also raised in focus group discussions.

“The lack of work in a society lowers the morale of adults, youths and women. These families, due to extreme poverty or due to the bad economy and lack of money, have the custom of underage/early marriages and exchanging their daughter to marry (another family’s) son as they don’t have any one to marry their son.”

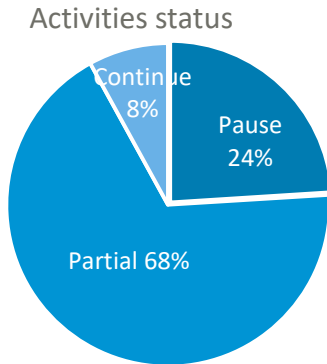
Male FGD, Logar province, November 2022

Additional reports have also shown that the current economic and food crises had the potential to increase the use of child marriage as a coping mechanism. To cope with the lack of food, households have resorted to coping mechanisms which are often impacting women and girls disproportionately. The negative coping mechanisms adopted after exhausting almost all avenues for sustaining family needs include borrowing and child marriage, with the highest numbers present in Badakhshan and Faryab. Between September and November, IOM received hundreds of reports of undocumented returnees marrying their children to cope with their livelihoods situation, forcing their children to provide labour for their landlords as a means of repaying debt, and multiple instances of forced marriage – incidents which may constitute contemporary forms of slavery.

RESPONSE

PROGRESS MADE ON PROTECTION

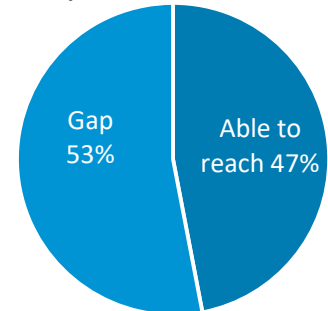
As of December 2022, the protection cluster reached 4.6 million people. In 2023 the protection partners planned to reach



6.5 million people (Humanitarian Response Plan – HRP 2023). 50% of protection beneficiaries are women and girls and 60% of protection interventions are carried by female staff. After the ban of the work of International and National NGO’s women staff, out of 59 Protection partners registered in 2023:

- 24% of partners are forced to pause their activities

Population reach

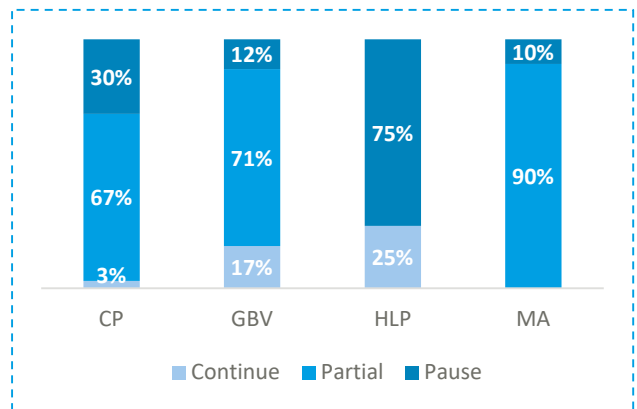


- 68% of partners are implementing partially, while
- 8% continue to implement activities

ACCESS-RELATED CHALLENGES AND ACTIONS

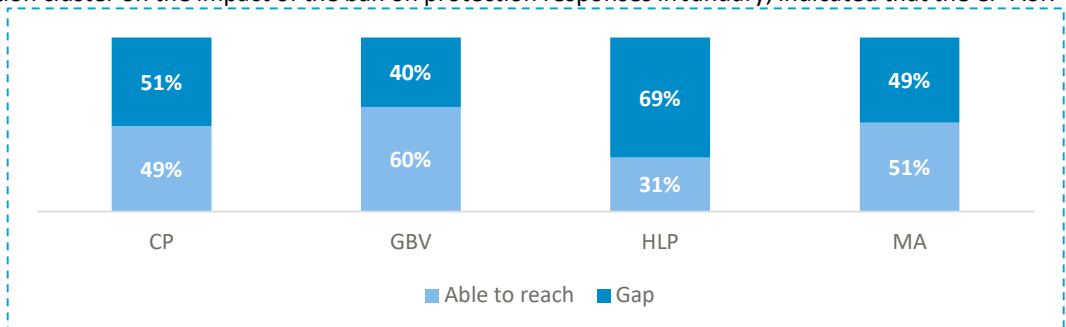
December 2022 reals the highest number of access constraints and operational challenges overall, with 330 access incidents reported that resulted in the temporary suspension of 272 programs and facilitiesxviii. In this precarious context and after December 24, 2022, access is further restricted by the impact of the current ban. Since January 2023:

Out of 27 child protection partners, 30% are forced to suspend activities, 67% are partially implementing, 12% of GBV partners (out of 17) are forced to suspend activities and 71% are partially implementing, 75% of HLP partners (3 out of 4) are forced to suspend activities, and finally, 10% of mine action partners are forced to suspend activities and 90% are partially implementing



CRITICAL GAPS IN FUNDING AND POPULATION REACHED

Based on the analysis of the impact survey related to the ban on protection activities in January 2023, the cluster estimates that out of 6.5 million target people, the protection cluster will be able to reach 3.1M (47 %), while 3.4M (53%) people will NOT be reached. With the ban on the work of female I/NNGO staff, which affects the funding process, the most needy women and girls identified in the Humanitarian Response Plan (HRP 2023) will not be effectively reached. The survey conducted by the protection cluster on the impact of the ban on protection responses in January, indicated that the CP-AoR response will not reach 51% of those targeted, GBV-AoR responses will not reach 40% of target, HLP-AoR will not reach 69% and MA-AoR will not reach 49% of its target.



RECOMMENDATIONS

In the period covered by this analysis, urgent action is required to immediately address the approach and the response modalities after the ban on female aid workers to avoid the rising impacts of existing protection risks.

RISK 1 Denial of resources, opportunities and services

HC AND HUMANITARIAN COMMUNITY

- Agree as soon as possible on a **united and common position on the ban of female aid workers**, ensuring that the resuming activities, male only programming or other compromising modalities do not violate humanitarian principles and, if necessary, are short term.
- Guarantee an **increased monitoring of how programmes are implemented and agree on a time-bound plan** to ensure that modalities compromising humanitarian principles become a norm for humanitarian assistance in Afghanistan.

DONORS

- Maintain their support to the people of Afghanistan, in the form of continuous funding and political actions to **ensure transitional implementation modalities serve only the response to most urgent needs until women are allowed to work in all areas of operations.**

DE FACTO AUTHORITIES

- **Ensure that women humanitarian workers are able to access women and girls** in the field through providing a safe environment and enabling them to travel to field locations and reach affected women and girls.
- The de facto authorities must find a **country-wide solution that will allow women to work in all areas of humanitarian operations and support functions** to enable NGOs to reach millions of people.
- The de facto authorities must engage in **constructive dialogue with international interlocutors beyond the humanitarian response** and take steps to facilitate progress regarding the economic situation and receiving development assistance from other countries.

RISK 2 Unlawful restrictions to freedom of movement

HC and HUMANITARIAN COMMUNITY

- Urgently engage the de facto authorities to **prevent and stop the threat of and actual forced eviction, specifically in the in Badghis, Kabul, Balkh, and Herat provinces.** Engage in developing and integrating adaptation strategy of services delivery modalities to support vulnerable households and mitigate protection risks.

DONORS

- Prioritize and scale up support to humanitarian partners that implement **multi-sectorial interventions including cash for rent to support vulnerable households and mitigate protection risks such as threat of eviction.**
- Engage in constructive dialogue with the de facto authorities and humanitarian actors to coordinate and prioritize longer term funding and solutions for internal displacement.

RISK 3 Psychological and inflicted distress

CLUSTERS and PARTNERS

- Increase psychosocial and psychological support

DE FACTO AUTHORITIES

- Ensure the presence of women staff in the field to engage with affected women and girls and enable their safe access to all services.

RISK 4 Impediments and/or restrictions to access to documentation, remedies and justice

DONORS and PARTNERS

- **Increase the services to support vulnerable households to access identity and civil documentation and the access to justice** mechanisms to resolve disputes, including legal or cash assistance.
- Consider capacity-building training on **dispute resolution for informal justice actors**.
- Prioritize and support the **monitoring and analysis, and the development of the formal legal system and institutions**
- **Prioritize legal assistance**, particularly for vulnerable members of society such as women-headed households, disabled people or elderly people, to support them to access remedies and dispute resolution mechanisms.

RISK 5 Serious maiming and injuries due to explosive Hazards

GOVERNMENT and AUTHORITIES

- Increase the protection mainstreaming within sectors for quality response especially in addressing the extreme/negative coping strategies including forced and child marriages exacerbated by the economic crisis and absence of women humanitarian workers.

Endnotes

- ⁱ The letter was submitted by the de facto Ministry of the Economy to the Agency Coordinating Body for Afghan Relief (ACBAR) – the largest umbrella of civil society organizations operating in Afghanistan.
- ⁱⁱ People in need (HPC 2023)
- ⁱⁱⁱ ACBAR <https://www.acbar.org/articles/375/statement-by-acbar-on-suspension-of-women-staff-working-in-ngos-26-december-2022>
- ^{iv} Registration by de facto authorities
- ^v WoAA
- ^{vi} MASC, Afghanistan
- ^{vii} ACBAR <https://www.acbar.org/articles/375/statement-by-acbar-on-suspension-of-women-staff-working-in-ngos-26-december-2022>
- ^{viii} GiHA and Ground Truth Solutions, forthcoming
- ^{ix} Gender in Humanitarian Action, *Gender Alert: Gender-related impacts of evictions of internally-displaced persons and destructions of informal settlements – focus on Badghis*, 20 December 2022.
- ^x PIN for protection in 2023 is 20.3 million
- ^{xi} [Afghanistan human rights and humanitarian crisis continues, urgent action necessary, says UN expert | OHCHR](#)
- ^{xii} Anonymized
- ^{xiii} https://asiapacific.unwomen.org/sites/default/files/2023-01/af-Out-of-jobs_Out-of-poverty_Gender-Alert.pdf
- ^{xiv} Afghanistan Rapid Gender Analysis, GiHA
- ^{xv} Christopher Lehmann, *Justice Matters: A Status Report on Afghanistan Since the Taliban Takeover, ILAC Rule of Law Report 2023*, 11 January 2023, available at: <https://ilacnet.org/new-ilac-report-surveys-justice-sector-under-taliban-rule-2/>.
- ^{xvi} Christopher Lehmann, *Justice Matters: A Status Report on Afghanistan Since the Taliban Takeover, ILAC Rule of Law Report 2023*, 11 January 2023, available at: <https://ilacnet.org/new-ilac-report-surveys-justice-sector-under-taliban-rule-2/>.
- ^{xvii} https://www.care-international.org/sites/default/files/2022-08/Afghanistan%20Food%20Security%20Report_advocacy%20brief_August%202022.pdf
- ^{xviii} <https://response.reliefweb.int/afghanistan/humanitarian-access-snapshot>

Methodology

Data from DRC, INTERSOS, IOM, IRC, NRC, Cordaid, AABRAR, DHSA/TKG and UNHCR (in partnership with WAW and ARAA) which include 39,000 (46% are female respondent) Household-level Surveys, 6,600 Key Informants Interviews (47% female KI) and a significant number of Focus Group Discussions in 21 provinces/143 districts—have been used for this report. However, the protection cluster continues to face challenges in analysing the FGD data. Moreover, data on human rights violations are not made available on a quarterly basis which leads to relying on **anecdotal data** and anonymized research. Sensitivity around collecting data and requirement by authorities to accompany assessment limiting partners' capacity to gather quality information. The analysis is guided by the Global Protection Cluster Protection Analysis Framework (PAF). Other sources of data that are referenced include OCHA Displacement Trends, Humanitarian Access Snapshot, GiHA report on female aid workers' ban, MRM TF and UNHCR CFM (Complaints and Feedback Mechanism). Protection cluster lacks with human resources to conduct in-depth analysis among provinces on the trend and analysis of FGD data.



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