Protection Messages for Donors & Member States
**AFGHANISTAN**
Updated February 2022

The following messages reflect priority protection issues and gaps in Afghanistan, based on analysis from the Afghanistan Protection Cluster.[1] Additional contributions were made by the Global Protection Cluster's Advocacy and Human Rights Engagement Task Teams. This document remains grounded in the Afghanistan Protection Analysis Update developed in October 2021 and related global key messages, while reflecting rapidly developing protection risks.

The people of Afghanistan are facing a humanitarian, human rights and protection crisis. The numbers are overwhelming: 97% of Afghans could potentially plunge into poverty by mid-year,[2] more than half the country's population is in need of humanitarian assistance and 9.2 million IDPs and returnees remain in some form of displacement.[3] In parallel, lethal attacks and targeted abuses against civilians are a pressing reality as is the dramatic increase in the use of negative coping mechanisms, with particular impacts on the rights and wellbeing of children and adolescent girls. These factors are driving increasingly severe protection risks faced by communities across the country.

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**Key Messages**

1. Serious human rights abuses are threatening lives, curtailing basic freedoms and driving fear.

2. High levels of displacement are creating particular protection risks.

3. Harmful coping mechanisms used as a result of the catastrophic economic meltdown are themselves driving a range of protection risks.

4. Continued protection risks, reflecting decades of conflict and violence, are being exacerbated and further entrenched while accessible services and remedies are limited.

**Urgent Actions Needed**

1. Further scale up protection by presence and multi-dimensional protection programming as part of an integrated, principled response.

2. Make meaningful investments in local partners operations and capacity now, with the aim of longer-term rebuilding and support to protection organizations, leaders and networks.

3. Pursue principled response efforts and invest in ongoing relationships and trust-building with communities and authorities.

4. Engage in robust, joined up advocacy at national, regional levels and global levels, focusing on both immediate protection risks as well as longer-term drivers of exclusion.

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[1] Protection Cluster members include a range of national and international NGOs, UN agencies and other protection experts engaged in regular protection monitoring, programming and advocacy.
[2] UNDP's projections based on its rapid appraisal, September 2021
[3] Afghanistan Humanitarian Needs and Planned Response 2022

## Key Protection Issues

**1. Serious human rights abuses are threatening lives, curtailing basic freedoms and driving fear.**

- A drop in official reports of conflict-related casualties has marked the period since active hostilities ceased in August, however lethal attacks by non-state armed groups and civilian casualties continue. From 15 August to 31 December 2021**, more than 1,050 civilian casualties**, including 350 deaths, as a result of **improvised explosive devices and explosive remnants of war** were documented.[4]

- Reported **arbitrary arrests, executions and enforced disappearances** of members of the former security forces are contributing to widespread fear, violations of the right to life, liberty and due process.[5] The UN has received credible allegations of more than 100 killings of former Afghan national security forces and others associated with the former Government between August and November, including multiple incidents where the bodies were displayed publicly, further stoking fears.[6] Reported **abductions and kidnapping threats against the children** of family members associated with the former government further compromising the safety of children.

- **Human rights defenders, media workers, and women activists and judges** have also come under attack, intimidation, harassment, arbitrary arrest, ill-treatment and killings, with escalating repression of protests and civic space.[7] The **detention and targeted killing of members of ethnic and religious minority groups** are also being reported. Children are reportedly being detained with adults

- The current unclear and dynamic legal landscape in Afghanistan has led to the politicization of land administration, with an increase in threatened or actual **forced evictions, displacement and land grabbing** by the de facto authorities. This seems to reflect opportunism to compensate fighters and members of the de facto authorities as well as targeted retribution against particular communities, described by Human Rights Watch as a form of "collective punishment".[8]

**2. High levels of displacement are creating particular protection risks.**

- Following the record displacement of nearly 700,000 people in 2021, some 9.2 million IDPs and returnees remain in some form of displacement and in need of support to return where possible.[9] These staggeringly **high levels of displacement are fueling a range of protection risks**, particularly for undocumented Afghans returning to the country, including those forcibly deported from Iran and other neighbouring countries.

- Border and transit points are not equipped to provide needed services and protection support, and the **risk of refoulement is high**. Many returnees are not able to return to their original homes, which are destroyed or damaged, and the absence of basic services, combined with violence,

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[4] Report of the Secretary-General: The situation in Afghanistan and its implications for international peace and security, January 2022 (advance copy).

[5] Afghanistan Protection Cluster, Critical Protection Issues Note, January 2022

[6] Statement by Nada Al-Nashif UN Deputy High Commissioner for Human Rights 14 December 2021

[7] Please see Human Rights Watch, January 2022

[8] Please see Human Rights Watch, October 2021, and New York Times, December 2021

[9] Afghanistan Humanitarian Needs and Planned Response 2022

coercion such as recruitment and the presence of explosive hazards are all driving critical levels of protection risks, including re-migration through unsafe and irregular pathways.[10]

- **Unaccompanied children and single women** faced heightened risks upon return to Afghanistan especially due to lack of access to identity documents, essential services and safe onward transport to their final destination.[11]

**3. Harmful coping mechanisms used as a result of the catastrophic economic meltdown are themselves driving a range of protection risks.**

- Prior to August 2021, millions of Afghans were seeking out an already precarious existence based on subsistence level livelihoods. The economic collapse and liquidity crisis the country continues to experience, coupled with severe drought and rising food prices, has meant **people are facing a whole new level of economic desperation**, largely unable to access salaries or cash, unable to cultivate crops, sell livestock or engage in basic income generating activities. Hunger is estimated to now impact half the country's population.[12]

- For women previously engaged in a range of economic activities and sectors, their ability to pursue work and earn an income has been severely hampered in light of formal and informal restrictions, further exacerbating the economic crisis faced by many households. In addition, **women have been disproportionately impacted** by the collapse of several government services such as health care and education, where they were over-represented as salaried employees. Women-headed households may face particular safety concerns to access cash or currency in-country amidst the already overwhelming challenges presented by the liquidity crisis.

- Many of the coping mechanisms available to people across Afghanistan, like the selling of household assets, have largely been exhausted after months of deep economic crisis. People are now left with an incredibly narrow range of largely harmful options in their efforts to survive, with such negative coping mechanisms creating their own protection risks. Reports of households resorting to the use of **child labour (particularly for boys), the sale of children, recruitment of children into armed groups, early and forced marriage of adolescent girls and risky, undocumented migration are now widespread**.[13] Children are being recruited and deployed by armed groups and are increasingly visible operating checkpoints and acting as security guards. With the collapse of rule of law, rising levels of criminality and drug abuse are also reported.[14] While education is known as a critical protective factor for children and youth, access the education for girls remains highly restricted and where education is available, many children are being forced to drop out due to rising levels of poverty.

**4. Continued protection risks, reflecting decades of conflict and violence, are being exacerbated and further entrenched while accessible services and remedies are decreasing.**

- The actual magnitude of GBV is difficult to measure (as is the case in both stable and emergency settings), however it is clear **GBV is occurring and presenting a serious protection risk for women and girls** across the country.[15] **Interpersonal violence and family separation are also increasingly**

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[10] Afghanistan Protection Cluster, Protection Analysis Update, October 2021

[11] Afghanistan Protection Cluster, Protection Analysis Update, October 2021

[12] UNHCR, UN Partners Launch Plans to Help 28 million people with acute need in Afghanistan

[13] OHCHR, Statement by Nada Al-Nashif UN Deputy High Commissioner for Human Rights and UNICEF, Statement by Executive Director Henrietta Fore, Girls increasingly at risk of child marriage in Afghanistan

[14] Al Jazeera, Drug addiction – a big challenge for Taliban government, January 2022.

[15] The actual magnitude of GBV is difficult to measure in both stable and emergency settings. However, it is crucial to understand that GBV happens everywhere and is underreported worldwide for many reasons, including fear of stigma or retaliation, limited availability or accessibility of trusted service providers and

**reported, with particular impacts on children.** After decades of violence, **half of Afghans are estimated to experience depression, anxiety, or post-traumatic stress**.[16] Recent NGO assessments have seen nearly half of all girls and boys perceived to be experiencing psychosocial distress.[17] **Evictions and forced deportations** are on the rise and **access to civil documentation and justice systems and remedies** remain severely constrained. Explosive hazards, particularly abandoned improvised mines and explosive remnants of war (ERW), continue to kill and injure more than a hundred civilians a month and approximately 80% of all ERW casualties are below 18 years of age.[18]

- However, despite indications that these and other protection risks are growing, **access to related assistance and services were already constrained and the past months have seen further challenges**. This reflects a mix of factors, including restrictions on services, such as the shut down of shelters, and insecurity, including in relation to the presence or perceived presence of explosive hazards, limiting the ability of those in need to access services and assistance.[19] The collapse of basic state systems is further curbing available supports, including in light of the non-functioning of child welfare system and the collapse of the social service workforce.

- **Operational challenges** for organizations have also been a reality, as some interventions had to be put on hold, shifted or be repackaged while the enormity of need, particularly in the absence of even basic government services, has simply ballooned. Coupled with rising needs is the **loss of enormous capacity across civil society**. Human rights and women's rights leaders, protection experts, GBV specialists, community organizers, campaigners and beyond have all been faced with particular uncertainty and risk since the political powershift and many have been forced to leave the country in search of safety.

## Urgent Actions Needed to Address Priority Protection Gaps

**1. Further scale up protection by presence and multi-dimensional protection programming as part of integrated, principled response.**

- While various organizations and operations had to stop or scale back amidst insecurity and uncertainty in August 2021, many have now resumed operations and the further scale up of foundational protection activities is urgently needed given the breadth of protection risks.

- The further scale up of protection response includes through **a focus on 'protection by presence'** by community, national and international actors enabling ongoing engagement with affected communities and duty bearers and closely linked to the establishment of strong protection monitoring, including of evictions and forced deportations, and **community-based approaches** to protection. These approaches should include educating people about their right to give feedback, report abuse and exploitation and get information on risks and humanitarian programming that can help them protect themselves against those risks. Opportunities to further roll out **'cash for protection'** focused interventions must be pursued, and this should include ensuring high-risk households, girls and boys are linked with CVA, mental health, education and other service providers. The deployment of **mine action teams**, including Quick Response Teams, to previously restricted areas is critical to ensure that civilians returning and humanitarians deploying to the area can do so in a safe manner. Meanwhile, **prioritization of children,**

impunity for perpetrators. As such, all humanitarian personnel must assume GBV is occurring and treat it as a serious and life-threatening problem, regardless of the presence or absence of concrete "evidence", as outlined in the Inter- Agency Minimum Standards for GBV in Emergency Programming.

[16] Human Rights Watch, Afghanistan's Silent Mental Health Crisis
[17] As per recent Save the Children assessment in Afghanistan.
[18] Information Management System for Mine Action (IMSMA).
[19] See for example, Amnesty International, December 2021

**adolescents and women's protection** in humanitarian response is key given the particular risks these groups are experiencing in Afghanistan.

- **Realizing the centrality of protection is absolutely critical to ensuring an effective humanitarian response in Afghanistan.** Alongside specialized and stand-alone protection services, integrated protection focused interventions must be systematically embedded across different areas of humanitarian action, from nutrition and health programmes to shelter initiatives and WASH services to increase reach and coverage. Concrete actions, such as including protection risk awareness and information on available services with all humanitarian distributions, are essential. Not only will such efforts support more impactful humanitarian efforts, better meeting the profound needs of communities, but they will also serve as a key conduit through which protection actors can continue programming across the nexus amidst a difficult operating environment.

**2- Make meaningful investments in local partners operations and capacity now, with the aim of longer-term rebuilding and support to protection organizations, leaders and networks.**

- Substantial and sustained investment in local and national protection capacities is needed now. Afghanistan has a long history of impactful leadership by protection and human rights-focused organizations, based on strong national legal frameworks and constitutional grounds. However, many have lost critical staff capacity and are struggling to fully re-establish or scale-up operations in safe ways for staff and communities. Their current efforts in fostering IHL compliance at province level roundtables with de facto authorities are crucial to safeguard humanitarian space, for instance. More support is needed for their participation in UN national coordination mechanisms, in-country member states briefings and strategies for engagement with the de facto authorities at national level. This calls for donors and international organizations, both UN and INGOs, to set up **multi-year, flexible funding streams, capacity building platforms and area-based modalities**, all aimed at supporting the long-term viability and effectiveness of national civil society stakeholders, including protection partners, women's rights organizations and human rights defenders. It is also urgent to assure all NGOs have access to the Humanitarian Exchange Facility and Humanitarian Financial Corridors, ensuring low transfer costs and securing insurance to reduce the liability of NGOs for dealing with cash in Afghanistan.[20]

**3- Pursue principled response efforts and invest in ongoing relationships and trust building with communities and authorities.**

- The humanitarian community in Afghanistan has made real strides over the past months in terms of opening up space for essential negotiation with the de facto authorities, enabling humanitarian services and staff to safely operate. Such **engagement, with local decision-makers, religious and community leaders, and broader communities themselves**, must continue to be priorities and it must be premised on the shared aims of protecting the rights and wellbeing of all Afghans, including women and girls. Such engagement can support the establishment of greater trust and inclusive dialogue, of continued negotiation for improved access to services and programme implementation, and of opportunities for regular sensitisation with regards to humanitarian and protection principles.

- Ensure **a principled approach to the targeting and delivery of protection and humanitarian assistance, with strong accountability to affected population.** This includes ensuring groups facing particular risks are receiving the specific supports they need, based on disaggregated data and strong intersectional analysis. Ensuring localized and responsive accountability mechanisms are also critical, particularly as women and girls may be more hesitant to give feedback on

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[20] NRC, Life and Death: NGO Access to Financial Services in Afghanistan, January 2022.

humanitarian assistance or make complaints on exploitation and abuse due to decreased respect for women's rights. A principled approach also includes coordinated push back against attempts at interference in humanitarian operations, including movements, staffing, recruitment, assessments and activities at all levels.

- Member states and donors must use all available leverage points and diplomatic channels to **protect and promote women's and girl's rights**. This must also include joined-up, non-negotiable support for the equal participation of female staff as part of the humanitarian response. In light of the current requirements for mahrams imposed on female staff, for instance, there are negative impacts on the rights of women in the sector as well as the ability of organizations to safely engage with women and girls experiencing critical protection risks and to deliver responsive protection services, including in relation to GBV and child protection. There should be a joint position agreed to by humanitarian leadership at country and global levels to resist these requirements by the de facto authorities and to make their impacts clear.

**4- Engage in robust, joined up advocacy at national, regional levels and global levels, focusing on both immediate protection risks as well as longer-term drivers of exclusion.**

- Human rights and protection monitoring, programming and advocacy must sit at the core of the larger response in Afghanistan. It is critical the United Nation's political presence in Afghanistan continues to have a **robust human rights component, complementing civil society leadership and capacity,** aimed at helping to strengthen the respect for and protection of fundamental rights and freedoms of all Afghans. Such a human rights component could monitor, report and advocate on the situation for civilians, the protection of women and girls' rights, access to justice and other key protection issues while working to bolster the work of civil society organizations and provide technical advice to duty bearers.  This should form a critical dimension of any successor political presence in Afghanistan, ensuring human rights and protection are at the forefront of the response.

- The need for **scaled up advocacy** is true for the full range of actors but particularly so for those that occupy positions of power, at arm's length from operations. This includes for member states and donors, which must engage with key neighbouring governments and the international community to strengthen safe border crossings and access to asylum while also supporting needed local and national protection systems, along with accountability for rights violations happening in Afghanistan. This must be **done in partnership with affected populations and Afghan civil society, particularly women's rights leaders, ensuring they are represented and leading key decision-making processes with regards to Afghanistan's present and future**.