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H.E. President Hamid Karzai
Gul Khana Palace
Presidential Palace
Kabul
Afghanistan

**AMNESTY
INTERNATIONAL**



AMNESTY INTERNATIONAL INTERNATIONAL SECRETARIAT
Peter Benenson House, 1 Easton Street
London WC1X 0DW, United Kingdom
T: +44 (0)20 7413 5500 F: +44 (0)20 7956 1157
E: amnestyis@amnesty.org W: www.amnesty.org

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Dear President Karzai

OPEN LETTER: AFGHANISTAN NATIONAL POLICY FOR INTERNALLY DISPLACED PERSONS

Amnesty International welcomes the development of a national policy for Afghanistan's internally displaced persons, led by the Ministry of Refugees and Repatriation. We offer concrete recommendations for this policy, and urge its swift adoption and implementation.

Afghanistan's displacement crisis shows no sign of abating. Some half a million people are now displaced within Afghanistan and the number has been rising, with over 100,000 people newly displaced in 2012 by conflict alone, an average of more than 270 people every day. Many are living on the brink of starvation and in cramped makeshift dwellings which offer little protection from the winter cold or summer heat.

For most internally displaced people, their rights to adequate housing, food, water and sanitation, health, education and other human rights have been violated. Their precarious situation is the result of long-term neglect by the Afghan government and inadequate support on the part of the international community.

The draft policy contains many innovative and significant measures that, if implemented, have the potential to dramatically improve the living conditions of hundreds of thousands of Afghans who have been displaced from their homes and communities. In particular, many displaced women, children, and older persons stand to benefit greatly if the policy is implemented.

Recognition of all Internally Displaced Persons:

Under the UN Guiding Principles on Internal Displacement, internally displaced persons are "persons 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."

This definition, which the draft policy recognizes, includes those who have fled from the Taliban and other insurgent groups as well as civilians who have fled the impact of military operations by government or international forces. It also includes Afghans who were refugees in Iran and Pakistan and have returned to the country but are unable to live in their home communities in safety and dignity.

Protection against forced evictions:

The policy should also address the specific needs of internally displaced persons who have fled to the relative safety of cities. Housing in Afghanistan's cities is scarce and rents comparatively high, with displaced families under constant threat of forced eviction. In some cases, families have had to scramble to move belongings before bulldozers level their shelters. The policy must serve as a tool to protect their rights and prohibit evictions that do not comply with international standards and procedures.

Durable solutions:

The policy should further include appropriate mechanisms to prevent displacement and enable durable solutions, including the option for displaced persons who cannot return to their home communities to integrate locally, or resettle elsewhere. Above all, Amnesty International urges you to guarantee that any attempt to forcibly return displaced persons to their places of origin, will be halted.

Any solutions offered must be in full agreement with, and after genuine consultation with the displaced individuals, including women and young people. Authorities must ensure that the solutions are accepted voluntarily and that they guarantee safety and dignity.

The Afghan government has a constitutional obligation to protect the rights of all its citizens including displaced communities and individuals. Any negligence in protecting these people or any discrimination in the provision of basic services would be a clear breach of the Afghan constitution and Afghanistan's international human rights law obligations.

The development of a national policy shows a commitment of the Afghan government to address the long-term neglect of the displaced persons in Afghanistan. However, the policy will not be effective unless it has your government's strong political backing, and adequate financial and human resources.

All relevant local, national and international authorities should work together to develop coherent strategies for consistent implementation of the policy. A mechanism must also be established to enable independent oversight of policy implementation.

Amnesty International urges you to ensure that the above recommendations are reflected in the new policy on internal displacement, that it is swiftly adopted and applied by all national and local authorities. Further, we urge you to ensure that the following measures are taken, with international assistance, in order to safeguard the human rights of Afghanistan's displaced population.

- The Ministry of Finance and other relevant agencies allocate adequate financial and human resources to the Ministry of Refugees and Repatriation for swift implementation of this policy.
- Amendment of Presidential Decree 104 to clarify that internally displaced persons qualify for land allocation in the areas to which they have fled. Similarly, returning refugees should not be required to return to their original communities in order to be allocated land under the decree.
- The Ministry of Urban Development and provincial municipalities ensure that no internally displaced person is forcibly evicted and that all evictions comply with international standards, including the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement.
- National and international security forces use tactical directives, operating procedures and guidance to troops to prevent and mitigate forced displacement.

- National and international security forces respect humanitarian principles and promote safe, unimpeded and timely access for humanitarian actors to ensure unmet humanitarian needs of internally displaced persons are effectively addressed.
- Improved disaster preparedness and response capacity; and well-funded needs-based humanitarian programming targeting vulnerable internally displaced persons and displacement-affected communities.
- The United Nations, other humanitarian organisations and international donors, in line with obligations relating to international cooperation and assistance, help the Afghan government protect and promote the rights of internally displaced persons. This includes technical assistance to the Ministry of Refugees and Repatriation.
- Full cooperation with United Nations to ensure its effective monitoring and analysis of internal displacement and periodic reports on the protection of civilians in armed conflict, and its reports on the situation in Afghanistan to the UN Security Council.

Amnesty International has already and in separate calls made recommendations to other international actors as well as to the Taliban and other armed insurgent groups, calling on them to minimize the impact of military operations on local civilian communities and ensure the protection of aid workers and aid convoys who are trying to reach people in need.

Yours sincerely

Salil Shetty
Secretary General