



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Afghanistan - Researched and compiled by the Refugee Documentation Centre of Ireland on 25 January 2010

Information on freedom of movement in Afghanistan for someone opposed to the Taliban

The *United Nations Assistance Mission to Afghanistan* in January 2010 states:

“In addition to those who are directly victimized by incidents of warfare, resulting in death and injury, a large swathe of the population continues to suffer the indirect and accumulated costs of armed conflict. This includes their ability to move freely without fear or harassment and to access services essential for their health, well-being, and education” (United Nations Assistance Mission to Afghanistan, (January 2010), *Annual Report on Protection of Civilians in Armed Conflict, 2009*).

An *IRIN News* article from January 2010 states:

“UNHCR said finding a definite figure for the conflict-related IDPs was also difficult due to the temporary nature of their displacement. “As soon as the security situation improves [in a given area] people tend to go back to their places of origin,” said Nader Farhad, UNHCR’s spokesman in Kabul” (IRIN News, (4 January 2010), *Afghanistan: More IDPs than previously thought – government*).

A *Radio Free Europe/Radio Liberty* article in August 2009 states:

“Almost half of Afghanistan is at a high risk of attack by the Taliban and other insurgents or is under “enemy control,” a secret Afghan government map shows, painting a dire security picture before presidential elections” (Radio Free Europe/Radio Liberty, (5 August 2009), *Government Map Shows Dire Afghan Security Picture*).

A *UNHCR* paper in July 2009 states:

“Many areas of Afghanistan are not safe and, even if they are, they may not be accessible as a substantial number of main roads are considered insecure in Afghanistan” (UNHCR, (July 2009), *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*, p.53). This report also notes: “The traditional extended family and community structures of Afghan society continue to constitute the main protection and coping mechanism. Afghans rely on these structures and links for their safety and economic survival, including

access to accommodation and an adequate level of subsistence. Furthermore, the protection provided by families and tribes is limited to areas where family or community links exist” (Ibid, p.54).

A paper by the *Brookings Institute* in June 2009 states:

“The defining characteristic of the decision-making process appears to be the self-awareness among IDPs that they will be largely on their own, wherever they choose to settle. In reality, this has translated into a situation in which only wealthier households are able to afford the luxury of a safe haven from the increasing and unpredictable violence. The rural poor in conflict-affected areas are left to fend for themselves and make compromises with whichever side holds the upper hand in a given area” (Brookings Institute, (22 June 2009), *The Failure to Protect: Battle-Affected IDPs in Southern Afghanistan*).

The *United States Department of State* reviewing events of 2008 states in February 2009:

“The greatest restriction to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, and landmines made travel extremely dangerous, especially at night” (United States Department of State, (25 February 2009), *2008 Human Rights Report: Afghanistan*, Section 2d ‘Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons’).

This report also notes:

“Taliban imposed nightly curfews on the local populace in regions where it exercised authority, mostly in the southeast” (ibid).

Commenting on suicide attacks the *United Nations Assistance Mission to Afghanistan* in January 2009 notes:

“The negative effect that suicide bombings have on the Afghan civilian population extends far beyond the direct impact of individual attacks. Regular suicide attacks create a lasting climate of fear throughout affected and unaffected communities alike and severely limit the affected population in their enjoyment of such basic human rights as freedom of movement and access to education and other essential services” (United Nations Assistance Mission to Afghanistan, (31 January 2009), *Afghanistan, Annual Report on Protection of Civilians in Armed Conflict, 2008*, p.28).

A paper by the *Campaign for Innocent Victims in Conflict* in 2009 states:

“The decision to flee, even for a few weeks, carries heavy economic and personal consequences. Away from their homes, communities, and their family’s source of income, many refugees and IDPs depend on handouts or day labor to survive” (Campaign for Innocent Victims in Conflict, (2009), *Losing The People, The Costs and Consequences of Civilian Suffering in Afghanistan*, p.25).

This document also states:

“Some IDPs and refugees are able to take shelter with friends or family in safe areas, but many more are forced into formal or informal refugee camps across Afghanistan and in neighboring countries” (ibid). The report additionally notes: “If individuals are unable to return to their villages, they generally face severe difficulties settling in other parts of the country. According to the Afghanistan IDP Task Force of 2008, even though Article 39 of the Afghan Constitution recognizes the right of Afghans to travel or settle in any part of the country, local opposition to outsiders often prevents IDPs from resettling in other areas” (Ibid, p.26).

A paper by the *UNHCR* in December 2008 states:

“We believe that many of the battle-affected people originally from Punjway, Zhare Dasht, Maywand etc. remain quite close to their homes (Arghandab is only a few kilometers from Kandahar City) and that most – though not all -- return after the fighting ends. However, if the IDPs flee to major city centres, as many have, or if their houses and property have been destroyed or their land confiscated, they are likely to remain in displacement for longer periods of time. As well, there are those who have been threatened or targeted as collaborators by the insurgents and feel too insecure to return” (UNHCR, (14 December 2008), *National Profile of Internal Displaced Persons (IDPs) in Afghanistan*, p.8)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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