

Protection for the Internally Displaced: Causes and Impact by Sector¹

This document aims to:

- i. Provide tips for agencies working on Internal Displacement in Afghanistan;
- ii. Facilitate the understanding of the scope of internal displacement and its causes in order to frame a protection response. The list (Issues 1–23) covers the range of human rights and humanitarian issues affecting IDPs and is intended for the review of various aspects of IDP protection and response.

I. Sectoral/ Activity Issues to Remember

Objectives

- 1. The listed issues will enhance the understanding of agencies working with IDPs and can be adapted based on field realities and objectives.**
- 2. The list will support agencies in engagement with the Regional IDP Task Force and provide an overview of the various sectors/ activities that impact the lives of IDPs.**
- 3. These questions must be kept in mind when assessing new and protracted displacements, protection needs and durable solutions.**
- 4. The below protection overview by sector applies to all IDP situations – conflict, natural disaster and/ or targeted persecution.**

1. Demographic profile and populations estimations: Are you aware of the background of the IDP population in your area? Do you know where they come from? How many are they? How long have they been displaced? Do you have any data on them?² In most conflict-induced displacement situations in Afghanistan a formal individual registration will not be feasible at the initial stages of the response. Efforts should therefore concentrate on population estimates, rate of influx, general characteristics of the population and information on origin and destination. There are different methodologies for population estimation which do not require a formal registration. In circumstances where minimal conditions for operations do not exist (access, security), these methods for estimations may be the best response.

2. Public perceptions: Do you know about the attitudes of other communities towards IDPs? Are they perceived as placing a strain on natural resources and services? Are they perceived as receiving preferential treatment? Are they isolated or live with host families? Do many IDPs live with host families? What measures are taken by the authorities and other actors to mitigate

¹ Basic Protection Checklist is attached for use by agency staff when dealing with internal displacements.

² *Socio-economic profile, disaggregated by age, sex, ethnicity, religion, tribe, including groups with specific needs (e.g. unaccompanied and separated children, households headed by single parents or grandparents, etc.) and groups at heightened risk.*

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negative attitudes? Are there communal activities shared by IDPs and affected populations (eg. sports and religious activities)? If so, does this joint participation facilitate peaceful coexistence?

3. Causes of displacement: What are the causes of flight? Is it natural disasters? (if so, What kind? When? How did it impact on the affected persons?), generalized violence or are specific groups or individuals targeted? (if so, who? What are they fleeing from?)

4. Prevention of displacement: Have the causes of displacement been addressed i.e have hostilities diminished or ceased? Is the natural disaster over? Is the impact of the natural disaster over? Were any measures implemented to prevent the causes of flight? Have acts of violence, and violations of those rights that led to displacement, diminished or stopped? What peace/reconciliation efforts, if any, are under way? Is renewed displacement anticipated? Have steps been taken to address the root causes of displacement?

5. Protection risks during flight: What are the main security threats faced by IDPs *en route* to a safe location? Did they bring ID documents? What type of security risks confront IDPs, in particular women, girls and boys, in transit centres or *en route* to areas of safety?

6. Institutional Protection framework: What mechanisms of coordination exist among the institutions working with IDPs? Are there any national institutions working with women, children, family and/or social welfare that can be a source of expertise and support for IDPs? Which institutions have been particularly proactive in IDP protection? To what extent have government officials responsible for IDP protection at all levels been trained to address their specific needs? Is the independent national human rights institution involved?

7. Partnerships: Which national NGOs are significantly involved in IDP protection? Are there other organizations (e.g. women's organizations) which could be involved? Do agencies have unimpeded access to all IDPs, regardless of the cause of displacement, the place of stay, and the personal characteristics of IDPs (e.g. sex, age, nationality)? If not, then why?

8. Protection from the effects of armed conflict: Are there attacks on civilians? If so, by whom? What kind of attacks (bombing, looting, etc.)? Are certain areas more at risk than others? Are there land mines/ unexploded ordnances or the like in the area of displacement? Are there attacks on hospitals, schools or other public services? Are rape and other forms of GBV part of the strategy of any party to the conflict? Do IDPs experience other effects of hostilities? Have humanitarian corridors, days of tranquility and protected zones been established? Are there armed elements inside or in the vicinity of IDP camps, settlements or communal centres? What risks do armed elements pose for IDPs, including those dispersed? Do they abuse or threaten IDPs, particularly women and girls? Do they coerce IDPs in any way to collaborate in fighting? Is assistance to IDPs diverted to those participating in armed conflict? If so, how and to what degree? How does the presence of armed elements and/or diversion of assistance impact IDPs? What action is taken by the authorities, and what other measures are in place to address threats by armed elements and to prevent this diversion? What additional protective mechanisms have been taken by the community themselves? Are there reports of forced recruitment?

9. Security from violence and exploitation: What is the level of violence and crime in areas of displacement? Are IDPs at greater risk than the rest of the population? What are the most common crimes and abuses faced by displaced men, women and children? Where available,

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provide figures (by sex and age group) of particularly serious crimes, such as murder, serious injury, rape, arson, kidnapping and disappearances. What support is estimated by the community as needed to minimize security threats? Are children at risk, including from forced recruitment?

10. Right to Family Life: To whom do IDPs report missing family members? Is family unity disrupted by displacement, return, or relocation? If so why? What action does the community itself take to prevent long-term separation? How many unaccompanied and separated IDP children are there (by age and sex)? What is their situation? What are the outstanding gaps with regard to unaccompanied and separated children? Who is responsible for tracing and reunification of adults, including older persons? How effective are existing mechanisms?

11. Gender-based violence (GBV): Are displaced women, girls, men and boys subject to GBV? In case of sexual intercourse outside wedlock which is considered a crime in Afghanistan, are sanctions disproportionately imposed depending on gender and are IDPs more severely sanctioned? Are the following criminal acts ongoing (including if committed against a boy or a man): rape, sexual abuse and exploitation, sexual harassment, trafficking, forced prostitution, and domestic violence? While forced, early marriages, and 'baad' are prevalent in the country, how evident are they amongst the IDP caseload and are there any mechanisms to address them? What regional/ province/ district programmes are in place to prevent and combat GBV, and how effective are they? Is training on GBV provided (e.g. education and awareness-building programmes targeting men, women and children, as well as officials)? What mechanisms are in place to identify persons at particular risk of GBV, and do they extend to IDPs? What is the attitude of the authorities and the communities towards GBV? Are reporting mechanisms effective and do they respect the survivor? What support is available to respond to GBV survivors in the following four areas: (i) safety, (ii) medical support, (iii) psychosocial support and (iv) legal counseling and access to justice?

12. Child labour: What is the minimum age for work? Are some displaced children compelled to perform work that is hazardous, interferes with their education or is otherwise harmful to their health or development? What measures are in place (and are these IDP-specific) to minimize these risks, and to take action when cases occur? What support is estimated by communities as needed to further address this? What other forms of abuse, neglect or exploitation are displaced boys and girls subject to? How do communities traditionally deal with child abuse and exploitation? Do workers dealing with IDP children have the necessary knowledge and skills with respect to child protection issues?

13. Persons with disabilities and older persons: What particular security risks confront persons with physical/ mental disabilities and older persons (including grandparent-headed households)?

14. Equality before the law: Do IDPs have access, on equal terms with other nationals, to: (i) identity documents and passports; (ii) civil status documents (e.g. marriage, divorce, adoption and death certificates); (iii) other key documents required for access to work and to essential services, such as health cards, employment, educational, or pension records? Can documents be issued or renewed without having to return to the area of origin? If official archives in IDPs' places of origin have been destroyed (or are inaccessible or unsafe for IDPs), is there a fair and efficient mechanism for IDPs to establish their identity, and obtain the documents they require? Do IDPs face other obstacles (e.g. fees, length of procedure, frequent renewal requirements, etc.) and are these different from those faced by non-displaced? In the absence of responsible, accessible

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national structures, does any other institution and/or de facto authority issue documents to IDPs? What protection risks are associated with a lack of identity or civil status documents? Who enforces the law in areas hosting IDPs? Are there opportunities for IDPs to discuss security measures with the authorities? Do opportunities exist for similar discussions between national and international actors? What support would communities need to enhance law enforcement?

15. Access to the national justice system: Do IDPs face legal/ practical obstacles in obtaining effective remedies through the competent national justice system for violations of their rights? Are these obstacles different from those encountered by other nationals? Are decisions by courts/tribunals/other administrative bodies recognized and enforced in IDPs' places of origin, and in places of displacement? If not, why not? How can the capacity of IDPs to articulate and claim their rights through peaceful conflict-resolution mechanisms be strengthened? Can local lawyers be assisted in providing free legal aid to IDPs, and representing their cases before the local court system? How can local judges/prosecutors/police be guided/ supported to perform their duties?

16. Alternative dispute resolution systems: Do IDPs rely on traditional or other justice systems for adjudication? Have the traditional dispute mechanism staff/ elders received any training? What are the strengths and weaknesses of these systems, including their impact on specific groups within the population such as women, children, older persons, persons with disabilities, and other minority groups? How can alternative dispute resolution systems and the role of traditional leaders be optimized to enhance justice for all, and diffuse conflict?

17. Detention: Are IDPs arbitrarily arrested/ detained? Who is the detaining authority? Is the problem confined to IDPs, or does it affect the local population? Are IDPs detained for reasons related to their displacement (e.g. lack of documents)? Do the ICRC/ ARCS conduct visits of IDPs in detention?

18. Participation in public life: Are IDPs, both women and men, without discrimination, able to exercise their right to vote and to stand for public office? Do they have to return home in order to participate in national elections? Can IDPs vote in local elections in places of origin? Are IDPs, both women and men, without discrimination, able to associate freely/ participate equally in public affairs? If not, why so? Does the community comprise both displaced and non-displaced persons? Are IDPs organized by village of origin? Who are their main representatives? Are there any groups not directly represented (e.g. women, minorities, young people, older people, persons with disabilities)? How are the leaders elected or nominated?

19. Right to food, water and housing:

FOOD - Is there accurate information on key food security indicators (malnutrition rates; micronutrient deficiencies; percentage of the population with less than the standard number of meals per day) by age groups and sex? Is the food security situation of IDPs different from locals? Has the situation deteriorated for locals due to the arrival of IDPs? Has displacement interrupted seasonal crop cycles? What coping mechanisms have communities developed to obtain food? Do these cause new protection risks for IDP men, women and children? Who within the IDP community receives food aid, and is the community involved in determining eligibility? Are women fairly represented in the decision-making? Are there schemes which involve providing food for work? If so: What activities are selected for such programmes and is the community involved in the selection? Do persons with specific needs benefit from these? Is food

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provided in a way that does not adversely affect local markets? Have local populations been consulted? Does food aid exacerbate or improve relationships between displaced and host communities? Is there a mechanism to report violations and abuses relating to food distribution?

WATER - Do IDPs have sufficient quantities of safe water for personal/ domestic use, including drinking, cooking, personal sanitation and hygiene and washing of clothes? Is the situation of IDPs different from that of the rest of the population? How does insufficient water impact on displaced men, women, and children? What are the main reasons impeding IDPs' access to water? Are water and water facilities within physical reach? Is physical security threatened during access to water facilities and services? Is the quality of water appropriate to prevent disease? Is water affordable for IDPs? Do any particular groups of IDPs have, or claim to have, significantly less access to food and water than the IDP population in general?

HOUSING/ SHELTER - Do IDPs, particularly women and girls, face protection risks relating to housing/ shelter? Does available accommodation allow for family unity and privacy? How many IDP families are accommodated in one shelter? Does it take into account the circumstances of persons with specific needs? Does it provide sufficient protection against weather conditions? Is heating available? Does it offer sufficient space for basic household activities and recreation for children? Does it provide access to safe drinking water, energy for cooking, lighting, sanitation facilities and waste disposal? Is housing affordable for IDPs? Do IDPs enjoy security of tenure? Is it located at a reasonable distance to essential services, with adequate and affordable means of transportation to access them? Are IDPs disproportionately affected by substandard housing or homelessness, as compared to local populations? What mechanisms have IDPs developed to avoid homelessness? What support is estimated by the community as needed to reduce protection risks relating to housing? Do evictions of IDPs occur? If so, are these unlawful, arbitrary or otherwise discriminatory? What are the causes? Have specific programmes been established to provide permanent land/housing to IDPs? If so, How are decisions made as to who will receive such plots / housing? Are security considerations taken into account, notably for single female-headed households? Who were the previous owners, and who were using these land plots? Does their allocation to IDPs create tensions with other communities? Have these communities been involved at the planning stage, and has their absorption capacity been taken into account? Do these programmes create geographical divisions along ethnic lines? Do IDPs have titles on such land plots /housing? Is security of tenure guaranteed? Are plots / housing located in areas that allow for livelihood activities? Is access to basic services provided in the relocation areas?

20. Right to health care and hygiene education: What are the main health problems affecting displaced men, women and children? How are these diagnosed and recorded? Do IDPs enjoy, on an equal basis with other nationals, the right to primary curative and preventative health care? Do IDPs utilize existing national health care services? Are there NGO-run health services for IDPs? If so, do non-displaced also benefit from them, and are they sustainable for the long term? What health educational services are available for displaced men, women and children? Do they include training to prevent and control major diseases (e.g. malaria, tuberculosis, cholera, HIV/AIDS), hygiene and sanitation awareness, reproductive health? Are IDPs used as health workers?

21. Education: Is primary education compulsory? Is it available to IDP children on equal terms with other nationals? Are there any formal or practical obstacles to school enrolment and/or completion (e.g. fees, school books and materials, uniforms, documentation that is difficult for IDPs to obtain, lack of community support for education)? Is secondary education available to

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IDP children on equal terms with other nationals? Is the school environment safe from violence, and in particular GBV risks? Do IDPs, and youth in particular, have access to higher education and to vocational training, on equal terms with other nationals? Has a need been identified for specific vocational training targeting IDPs?

22. Right to work: Do the IDPs have access to work? What kind of work? Are IDPs disproportionately affected by poverty compared to others? Are certain profiles (e.g. women, farmers, urban IDPs located in rural areas) particularly affected? Do IDPs perceive a risk (e.g. losing access to humanitarian aid) if they attempt greater self-reliance? Are there barriers that prevent IDPs from engaging in self-employment, including trade? Are these different from those faced by the rest of the population? What protection risks confront displaced men, women, adolescents, older persons, minorities and other groups as a consequence of unemployment or unlawful employment? For the IDPs in rural areas, do they have access to productive arable land and markets? If IDPs have access to productive arable land, are tools, seeds, fertilizer, etc. available, and affordable? How are IDP communities involved in developing livelihood strategies? Has the Government allocated temporary land to IDPs?

23. Right to housing, land and property: Are IDPs excluded from access to State benefits on the grounds that they own property in their place of origin, even if they are unable to use that property? What has happened to land, housing, and property left behind, which IDPs owned or had a legitimated right to use? Do IDPs still make use of their land, housing and property left behind? If so how? Has it been destroyed? Have the authorities taken any steps to protect movable and immovable property of IDPs abandoned in the place of origin against destruction, arbitrary and illegal appropriation, occupation, or use? If not, why not? What remedies exist for restitution or compensation for land, housing, and property, of which IDPs have been arbitrarily or unlawfully deprived?

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