

Afghan Refugees in Pakistan: Push Comes to Shove

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Human Rights Commission of Pakistan

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Aiwan-i-Jamhoor, 107-Tipu Block, New Garden Town, Lahore-54600
Tel: (92-42) 5864994, 5838341, 5865969
Fax: (92-42) 5883582
E-mail: hrcp@hrcp-web.org
URL: www.hrcp-web.org
Blog: www.hrcpblog.wordpress.com

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visionariesdesign@yahoo.com

Table of Contents

Abstract	7
Methodology	9
Background	10
Findings	13
Status of refugees in Pakistan	14
Welcome no more	16
Camps A security threat	20
Voluntary or forced repatriation	23
Security Concerns about home	27
Poor Conditions back home	30
Shelter and Housing	31
Education	33
Concerns of refugee women	35
Security	35
Repatriation.....	38
Special and other needs	40
Registration.....	41
Assistance package	42
Elderly refugees and children	43
Recommendations	44

Refugee rights

A 'refugee' is a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling, to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it".

Article 1, 1951 Convention relating to the Status of Refugees

"No Contracting State shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion".

Article 33, 1951 Convention relating to the Status of Refugees

"Everyone has the right to seek and to enjoy in other countries asylum from persecution":

Article 14, Universal Declaration of Human Rights

“We are being forced to live like nomads.” ***An Afghan refugee at Kacha Garhi camp interviewed in July 2007 when the camp was closed down.***

“If they were to push us out by razing down our houses, why did they give us ID cards to stay till 2009?” ***An Afghan refugee in Kacha Garhi camp***

“If we cannot work and cannot go out to get education and do not feel safe [in Afghanistan], what is the use of living in such a place.” ***A refugee woman in Jalozai camp, interviewed in March 2008 when repatriation from the camp started after a winter break.***

Abdul Ghafoor, a school teacher at the (Jungle Pir Alizai) camp, had a question for Balochistan's government and the United Nations refugee agency (UNHCR): “How can you willingly ask us to return to places like Helmand and Kandahar knowing how bad the security is there?” That is a question repeatedly being asked by the 2.15 million registered Afghans living in Pakistan today. ***UN humanitarian News and Analysis service IRIN, May 6, 2007***

“Although the Commission for Afghan Refugee (CAR) and UNHCR facilitated people but then all of a sudden the FC (Frontier Constabulary) personnel were all around the main market and announcements from every mosque in the camp were asking the refugees to leave. It created panic.” ***An Afghan refugee in Jalozai camp, interviewed in August 2008.***

“We would want to go back to our home town if the situation was normal. But we know it is not and we have no intention of going back. If the government of Pakistan forces us to leave this place then we will find some place else in Pakistan. If we fail to find any place in Pakistan, we will go to Kabul. But we will not go to [our village in] Paktia.” ***An Afghan refugee in Kacha Garhi, shortly before the camp's closure in July 2007.***

“Our houses were demolished so we had to move to Peshawar city and rent a house as my sister goes to a school here and we had no land or house in our homeland to go back to. We hardly lived for a month in the city but then had to return to the camp because we could not afford the rent.” ***A refugee woman in Jalozai camp, interviewed in August 2008.***

“We have hosted the refugees and tolerated risks for more than 20 years. Enough is enough.” ***Majeed Khan Achakzi, a member of the Balochistan provincial assembly, told IRIN in May 2007 that the camps had become a haven for terrorists working in the area, adding that Jungle Pir Alizai (in Balochistan) had become a base for drug traffickers, smugglers and thieves.***

“The response community in Afghanistan is already exhausted by the humanitarian crisis in the country, returns and internal displacement, and appropriate mechanisms do not exist to deal with more returns at this stage.” ***Ann Kristin Brunborg, a representative of the Norwegian Refugee Council (NRC) in Afghanistan.***

Abstract

Pakistan has been host to the world's largest refugee population. The issue of Afghan refugee in Pakistan is a protracted one, spread over 28 years. It is made complex by an equally long conflict in Afghanistan that has kept refugee influx alive, a movement helped by the porous border with Afghanistan. Over the years, United Nation's refugee agency, UNHCR, has been assisting refugees to return through its Voluntary Repatriation Programme. Since 2002, it has helped more than 3.4 million refugees go back home. Some 1.8 million registered Afghans still live in Pakistan. Repatriation remains a "preferred solution to the refugees problem, adhering to the principles of voluntarism and gradualism", Federal Minister for States and Frontier Regions, Najmuddin Khan, said in a press release issued on February 23, 2009 and earlier in a meeting with UN refugee agency chief António Guterres when he visited Pakistan in August 2008.

Through 2007 and 2008, the Human Rights Commission of Pakistan studied the trends and patterns of repatriation of Afghan refugees to determine whether its nature was voluntary. The study was undertaken in view of news reports that suggested that while repatriation was hailed as voluntary by authorities and agencies helping refugees return to Afghanistan, it was anything but. Refugees felt they were being pushed out of camps slated for closure by the government.

Interviews with refugees and aid agencies working for refugees confirmed this. The pressure tactics on ground hinted that the 'push' to send refugees back home had acquired the hostile dimensions of a 'shove' by creating an environment of fear and persecution to force refugees out. The observation was borne out by the fact that authorities were closing down refugee camps often through use of force when refugees resisted leaving their settlements amid a tacit official policy to restrict their movement. Outside the camps, an environment of persecution and intimidation was created by checking movement of refugees and harassment at the hands of police. In camps, houses were razed and businesses locked, often resulting in confrontation between the authorities and the refugees. Police harassed refugees at entry points of cities such as Peshawar and Quetta that host refugee populations.

Afghan refugees interviewed in the camps and on their way back to Afghanistan displayed resignation to their fate. They said they left not because they wish to, but because they were forced to leave.

The closure of camps forcing refugees to go back where they do not feel safe violates international norms and laws upholding refugee rights. The host countries, the international community and the donor agencies celebrating repatriation as voluntary also choose to ignore the fact that conditions in Afghanistan are not favourable to repatriation. If anything, they have worsened, creating massive displacements within the country, rather than

inspiring confidence among Afghan refugees contemplating return.

An essential precondition for voluntary repatriation, according to UNHCR's guidelines, is that "there must be an overall, general improvement in the situation in the country of origin so that return in safety and with dignity becomes possible for the large majority of refugees". Far from comfortably accommodating refugees pushed out of neighbouring countries, a conflict-torn Afghanistan struggles to provide assistance to refugees and internally displaced persons (IDPs) in the face of dwindling international commitment to share the burden.

The UN refugee agency puts the number of refugees that have returned to Afghanistan since 2002 at 4.3 million (3.5 million from Pakistan and up to 0.86 million from Iran). Return rates have dropped drastically over the years, mainly due to deteriorating security. Aid agencies and the Afghan government also cite poor socio-economic conditions, high unemployment and a lack of basic services as factors discouraging refugees from returning. UNHCR statistics show that only 242 Afghan refugees returned home from Iran in August 2008, against 63,000 in August 2002. Return rates from Pakistan dropped from 140,000 in August 2002 to 38,000 in August 2008.

While Western governments claim that Afghanistan is a safer and more stable place today than it was before 2001 when the Taliban held sway, developments over the last few years make it abundantly clear that the country is sliding back fast into a state of lawlessness and conflict that threatens the safety of Afghans at home and those made to return. Even though the returning refugees have a fair idea of the conditions back home, pressure tactics adopted by host countries ensure they have little choice in the matter of staying on.

HRCP feels that even though many Afghan refugees in Pakistan signed up for repatriation, it is not of their free will but because they have little choice in the matter. Pakistan, long a patient and willing host to the world's largest refugee population even as international support diminished over the decades has embarked on a policy of herding refugees back home against their will. Afghan refugees are now paying for the demands of the war on terror and the sour relations between Pakistan and Afghanistan.

Any attempt to repatriate Afghan refugees must take into account their willingness to return and the conditions back home, especially security and shelter. In closing down camps and forcibly evicting refugees, the Pakistani authorities -- and the international community supporting this move -- are guilty of violating the international legal frameworks safeguarding refugee rights.

Methodology

Owing to time and capacity restraints, HRCP carried out qualitative research random, in-depth interviews with refugees and actors. HRCP interviewed refugees at different locations refugee camps at Kacha Garhi camp, Jalojai camp, Azakhel camp, at the Chaman border and UNHCR's voluntary repatriation centre at Hayatabad in Peshawar. The interviews looked for insights into refugee concerns about repatriation. To assess if they were genuine, HRCP focused on dominant concerns about security, shelter, basic services like education and health, legal status, the registration process and fears about deportation that seem to impact the refugees' decision to return. HRCP also followed the situation and reviewed developments in Afghanistan to assess if these concerns were warranted. HRCP engaged a group of volunteer lawyers and journalists to interview the refugees and aid agencies' workers. A volunteer female journalist was engaged to assess the concerns of refugee women and vulnerable groups.

Names of refugees and aid workers have been changed to protect their identity.

Background

Authorities have put the figure of refugees Pakistan has hosted since the 1979 Soviet invasion of Afghanistan at 4 million. Long before that, indeed since the creation of Pakistan in 1947, Afghans have traditionally moved in and through the porous border for business, trade and as part of seasonal movements. The refugee numbers have long been a bone of contention between the UNHCR and the government of Pakistan. The problem of pinning down authentic refugee statistics is complicated by the fact that through the three decades of conflict in Afghanistan, there have been several repatriation efforts that have seen the refugees returning but renewed conflict has kept them coming back. They live in cities, towns and the 80 odd refugee camps and villages, mainly in the NWFP and Balochistan. Karachi has hosted one of the biggest concentrations of Afghan refugee population in Pakistan about one million engaged in all sorts of business and trade activities. In nearly three decades of stay for the refugees, many Afghans have been born here, many have acquired national identity cards, even married into local population and are now well integrated locally. The lack of reliable figures for Afghan refugees in Pakistan has made approximations about refugee demographics controversial at best but more importantly, it has kept aid agencies from responding effectively to the needs of the world's biggest refugee population.

In March 2002, the UNHCR and the government of Pakistan conducted a census that offered somewhat reliable figures for Afghans living in Pakistan about 3 million, with 42% of them in camps and 58% in urban areas. Over 81% of the Afghans were Pashtuns, with much smaller percentages of Tajiks, Uzbeks, Turkmen, and other ethnic groups. There were two related findings from the census: The vast majority of Afghans in Pakistan arrived in the first years of the refugee crisis -- over 50 percent arrived in 1979 and 1980 alone. Second, a substantial number of Afghan refugees in Pakistan were born in Pakistan, not Afghanistan. The census showed a young population with some 19 percent of Afghans in Pakistan below the age of five, compared to about 14.8 percent of Pakistan's population in this age group. The finding pointed to the fact that "much of the Afghan population was born in exile". Analysts and aid workers believe that repatriation of a population that had been living for more than two and a half decades outside their country with some who have never even been to Afghanistan could be a "considerable challenge" for the Afghan government in terms of ensuring sustainable reintegration.

The Pakistani authorities and UNHCR undertook a joint registration effort between October 2006 and January 2007 to "fix the [number of] Afghan refugee population in Pakistan in order to manage the development, welfare and more importantly, the phased repatriation of Afghans to their homeland", the head of Pakistan's Commissionerate for Afghan Refugees (CAR) told IRIN in May 2007. Of the 2.15 million refugees registered, most (85%) lived in the provinces of Northwest Frontier Province and Balochistan. The registration findings that were made available in a report that came out in 2007 put the number of refugees who did not register at approximately 314,000. Refugees that arrived or were born in Pakistan after 1 December, 1979 were considered for registration.

The majority of Afghans in Pakistan were Pashtuns from the rural districts of eastern and southern provinces in Afghanistan

Kabul, Nangarhar, Kunduz, Paktia and Logar. The report said more Afghans lived in Pakistani cities and towns than refugee camps. The majority of those living in camps were Pashtuns, whereas those living in cities and towns were mainly Tajiks, Hazaras and Uzbeks.

From the point of view of refugee protection, an important finding of the registration process was that some 300,000 (nearly 14 percent) registered Afghans reported they had special needs including legal and physical protection, female-headed households, important medical conditions and children and youth at risk. Of those with special needs, 60% live in refugee camps. Another significant finding with implications for future repatriation was that a majority of registered Afghans (82%) did not want to go back to Afghanistan, citing lack of security, shelter and livelihood as main reasons. While security remained a dominant concern, the registration report cited access to land and shelter as a major concern for registered Afghans, with some 89 percent reporting to be landless.

The registered refugees were given a Proof of Registration (PoR) card valid for three years. The card allowed registered refugees to stay in Pakistan till December 2009 if they did not wish to return immediately under the UNHCR voluntary repatriation programme. That has now been extended to 2012, under an agreement between Pakistan and UNCHR in March 2009 to allow some 1.7 m Afghans to continue living here till then. The Pakistan and Afghanistan authorities and the UNHCR agreed that those with PoR cards would be entitled to the UN assistance/incentive package including transportation and reintegration assistance. Nayyar Agha, Head of CAR, made it clear that those who failed to register “would be considered illegal immigrants and will have to face the law of the land”.

From March 1 to April 15, 2007 the Pakistani authorities permitted unregistered refugees who did not have PoR cards to return through the UNHCR voluntary repatriation programme. At the end of the 15-week “grace period”, some 206,000 of the 314,000 unregistered Afghans in Pakistan were repatriated with assistance from UNHCR.

Under the UN-assisted voluntary repatriation programme, the refugees are given a small monetary grant that covers transport to their place of origin in Afghanistan and reintegration expenses. In the first year of the programme (2002), more than 1.5 million Afghans made the journey back, but the rate of return has since decreased, according to the UNHCR. In 2007, the government of Pakistan contributed \$1 million towards the registration and pledged an additional \$5 million towards repatriation assistance.

Early in 2007, the government announced its intention to close down four major refugee camps as part of the government's resolve to close camps and to repatriate -- under a tripartite agreement between Pakistan, Afghanistan and the UNHCR -- all Afghans. The camps slated for closure were Kacha Garhi and Jalozai in the NWFP and Jungle Pir Alizai and Girdi Jungle in Balochistan. These were old refugee settlements where Afghans have lived for decades. The government served notices to the 250,000 refugees living in the camps, giving them a choice to either repatriate or relocate to new refugee settlements in Dir or Chitral in NWFP and Ghazgai Minara refugee camp in Loralai district or any of the existing 10 refugee camps of Balochistan.

The decision to close the camps was made by a tripartite commission consisting of representatives from Pakistan, Afghanistan and the UN refugee agency as part of the drive to repatriate Afghans. But separately, the Pakistan government has asserted that the camps had become safe havens for terrorists, Taliban supporters and drug dealers, posing a security threat.

Of the four camps, Kacha Garhi in the Hayatabad neighbourhood of Peshawar, capital city of NWFP, was the only one that was closed down by the deadline, with all its registered occupants opting for repatriation. The closure of other three camps -- Girdi Jungle and Jungle Pir Alizai in Balochistan and Jalozai in NWFP -- could not happen even though planned for 2007. While Jalozai closed down in June 2008, violence broke out in Jungle Pir

Alizai in Balochistan when the authorities demolished refugees' houses in May 2007, with a view to force refugees to vacate the camp. The authorities have not given any new dates for closure of the camps in Balochistan but the repatriation drive continues to focus on these camps.

The Pakistan government, the Afghan authorities and UNHCR hold tripartite meetings to discuss refugee affairs at regular intervals. While repatriation continues, UNHCR and the Pakistan government agreed in March 2009 to allow registered Afghans to stay until the end of 2012. The decision builds upon previous agreements within a tripartite framework between UNHCR and the governments of Pakistan and Afghanistan about the temporary stay of registered Afghans in Pakistan, their gradual and voluntary repatriation, and support from the international community to Pakistan for hosting one of the largest refugee populations in the world.

Under the agreement, SAFRON will undertake measures to extend the validity of the PoR cards issued to Afghan citizens living in Pakistan until the end of 2012; review and approve, at the Cabinet level, a revised strategy for the management of Afghans living in Pakistan beyond 2009; and support the extension of the current Tripartite Agreement between the Governments of Pakistan, Afghanistan and UNHCR until the end of 2012.

According to UNHCR, there are at least 84 Afghan refugee camps in the country, including 71 in NWFP and 12 in Balochistan both bordering Afghanistan as well as one in the Punjab province. Out of the 2.1 million refugees registered in Pakistan in 2007, one million live in camps.

Even though Pakistan has always wanted refugees to repatriate, this resolve has hardened in the wake of heightened security environment amid the ongoing war on terror, and in relation to the sour ties between Afghanistan and Pakistan. It now seems that Islamabad has embarked on a deliberate policy to push refugees out in an aggressive manner by making conditions difficult for them.

Findings

- The decision to close camps in Pakistan is based more on the security concerns of the allies in the war in terror than refugees. The camps are closed down to prevent militants from finding safe havens refugee camps during the Afghan jihad supported by the CIA and Pakistani establishment acted both as sanctuaries and training grounds for mujahideen when Jihad was not such a bad word.
 - Afghan refugees in Pakistan feel the security situation in Afghanistan is bad and are reluctant to return.
 - Refugees feel 'pressured' to leave camps. They say their decision to return is not 'voluntary' but made under pressure from the authorities.
 - The registration process was flawed, leaving many refugees unregistered and hence vulnerable to harassment and possible deportation. A lack of registration also excluded them from the UN-assisted repatriation drive.
 - Most of the refugees in camps in Pakistan come from the restive southern and eastern provinces of Afghanistan where the NATO and US forces are fighting the Taliban/Al Qaeda insurgents. They have genuine fears of insecurity and shelter.
 - Refugees in camps like Jalozai and Shamshatoo fought during the Afghan Jihad against the USSR and later during the civil war. They fear living in Afghanistan exposes them to reprisals from the warlords and Taliban they fought against. If they do go back, it will not be to their villages where people know them. They are more likely to become IDPs.
 - The same is true for refugees who belong to villages and towns where the conflict continues. They will go somewhere they feel safe rather than to their villages.
 - The fate of registered refugees with special protection needs a majority of whom lives in the camps hangs in the balance, as the conditions in Afghanistan make it unlikely that their special needs will be met after repatriation. Those who are unregistered face harassment and deportation. The government and the UNHCR have yet to announce a plan for settling them.
 - Refugee attitudes have changed after living for decades close to Pakistani towns. Instead of going back to Afghan villages to work on their land, they would go to cities where they can find jobs.
 - Refugees have bigger families than when they first came to Pakistan. The land they have back home is not enough to house their children and grandchildren.
 - Refugee women feel insecure in Afghanistan. They complain that children, especially girls, cannot go to school for fear of violence and fighting. They complain of a lack of basic facilities like education, health, electricity and water.

Status of refugees in Pakistan

The challenge of finding a sustainable solution to the refugee problem is complicated by the fact that Pakistan is not a signatory to the UN's 1951 Refugee Convention or its subsequent protocols. Although the refugee population has lived here for nearly three decades, they continue to live in a legal limbo when it comes to their status. Until the 2007 registration when they were provided the PoR cards, refugees had lived in Pakistan without any legal document for 28 years. This gave rise to a lot of legal problems: They could be stopped, searched and arrested under the Foreigners Registration Act. Afghans in Pakistan have regularly complained about harassment, extortion and detention at the hands of police. Pakistan has, on several occasions, also violated the principle of non-refoulement and failed to respond to international pressure to open borders to refugees or stop pushing them out.

There is no provision in the Pakistan constitution for refugees or displaced population, there are no laws specifically protecting refugees and little understanding among the police or the judiciary about refugee law. Refugees are largely viewed as illegal migrants here for economic reasons instead of fleeing persecution and a lack of security back home. Legal practitioners, for most part, study domestic law at schools that do not teach international law. This ignorance of the international legal framework, part of which covers refugee rights and related issues, often leaves Afghans vulnerable to miscarriage of justice when their cases are dealt with under the local criminal justice system.

The PoR cards issued during the 2007 registration drive allow their bearers to stay in Pakistan until the end of 2009. However, little is known about the fate of the unregistered refugees and those with special needs.

As camps close down, this population is likely to be affected most because they cannot go back due to protection concerns and may yet be forced to return in the absence of a clear plan.

The registration exercise has been criticised for the inefficient way it was carried out, leaving a large number of refugees unregistered and hence vulnerable to harassment or possible deportation by authorities. A monitoring survey carried out by a consortium of three international refugee organizations – the Norwegian Council for Refugees, International Rescue Committee and ISCOS – said the registration was marred by problems like lack of guidance, transport, translators, female registration and women photographers. It mentioned other problems like Afghan infants not being included in the census, unsupportive registration staff, problems with technology, bribery, corruption and overcrowding.

Nevertheless, the registration gave a sense of security to refugees. “Almost 59.6% of

Afghans felt that the card represented protection from police harassment, suggesting that the current levels of police harassment is considered a problem and they feared that it would increase if they do not register," the consortium's report said.

Welcome no more

“In the post-1945 period the policy of Western states has moved from the neglect of refugees in the Third World to their use as pawns in Cold War politics to their containment now”. **B.S. Chimni**, *The Geopolitics of Refugee Studies: A view from the South*, 1998.

Although the authorities have said that over 100,000 Afghans living and working in Pakistan without the PoR cards would not be "unilaterally and hastily" deported to Afghanistan, refugees in camps and urban areas repeatedly complain about harassment by police. On occasions like religious holidays and festivals, refugees are not allowed to enter the cities. Special contingents of police deployed at entry points stop and check refugee movement and reportedly harass them until they pay the police to let them go. It is not uncommon for refugees to be arrested and jailed if they do not have registration cards. In view of the problem, a local organization, Struggle for Change, in collaboration with UNHCR has been sensitising Afghans about their rights, telling them that they could be deported to Afghanistan if they cannot show documents upon being apprehended by the security agencies.

The government of Pakistan has said that out of an estimated 300,000 Afghans who could not get a refugee identity card through the registration process, about 200,000 have already returned to Afghanistan. A Commission for Afghan Refugees (CAR) official, Rauf Khan was quoted in the media as saying that the government considered undocumented Afghans living in Pakistan as “illegal aliens liable to be deported”. However a representative of Pakistan's Ministry of States and Frontier Regions, which deals with refugee issues at the federal level, said undocumented Afghans would not be expelled without prior consultation with the Afghan authorities. “Soft behaviour, however, does not imply that Pakistan has any plans to absorb Afghan refugees permanently,” an IRIN report quoted SAFRON Secretary Muhammad Jamil as saying on 21 November 2007. “Afghan refugees are a big burden on our economy, environment and infrastructure. Our ultimate target is a dignified and gradual repatriation of all Afghans living in Pakistan.”

In recent years, Afghan refugees in Pakistan have been at the receiving end of a hardened state policy that gives police a free hand to arrest, intimidate, beat and deport refugees. HRCP's interviews with refugees often point to police extortion, demanding bribes for releasing refugees. Afghans live in a constant fear that they will be harassed and picked up by the police. Arrests are arbitrary, made without a warrant, and those arrested have no recourse to a judicial process because complaints to the police mean risking more harassment.

Provincial government authorities in the North West Frontier Province have been quoted in media reports as saying that the Afghan refugees are no longer welcome in Pakistan. The state policy has translated into clear but tacit instructions to local police and security

agencies to restrict the freedom and movement of refugees “I was stopped on the road by police and asked for an identity card,” a Peshawar based journalist told HRCP in March 2008. “I gave the police my ID card but then they questioned me about the CDs of Afghan music I had in my car. They told me to step out of the vehicle and repeatedly asked me about my address. They took my ID card and then snatched my mobile phone. When I resisted, the policemen started beating me. When I complained to their against the officer, he said in his defence that he mistook me for an Afghan and that they had instructions not to allow Afghans into the city during elections.”

Afghans interviewed by HRCP said they are often stopped while travelling and asked about their ID. Failure to produce one can result in their being detained in police lock-ups, a fate they can often avoid by bribing the police.

This hardening of policy towards refugees did not just come about in the wake of a mindset shaped by the war on terror, or the government apprehending that refugee camps had become a security threat. In November 2000, the government of Pakistan had already embarked on a policy of detaining and deporting newly-arrived Afghans in the NWFP and Afghans residing in Pakistan without official documentation. Between October 2000 and May 2001, the government forcibly returned 7,633 Afghans, mostly men and boys. The newly-arrived refugees were sent to Jalozai camp but the government did not allow UNHCR to register them in order to determine whether or not they were in need of refugee protection. In August 2001, the government relented and agreed to screen jointly with UNHCR all the Afghans at Jalozai camp and at Nasirbagh camp, another old refugee settlement, to determine who could stay in Pakistan and who would be returned to Afghanistan. But following the September 11, 2001 terrorist attacks in the United States, the screening was suspended.

After the US-led invasion of Afghanistan, the Pakistani authorities initially closed the country's borders to new refugees, but later announced setting up refugee camps in its tribal areas bordering Afghanistan. Unstable and insecure, Pakistan's tribal areas are remote, difficult to access and lack basic facilities like water supply and infrastructure. The decision invited criticism from donors and aid agencies for housing refugees “so close to the Afghanistan border ...contrary to international standards which stipulate that camps must be located at a 'safe distance' from international frontiers to protect against cross border attacks or military incursions”. (Human Rights Watch, World Report 2002) The government of Pakistan and the UNHCR established 15 camps in the tribal areas that mostly stayed empty because, according to Human Right Watch's World Report for 2002, “the refugees who entered Pakistan unofficially feared to report to camp authorities and risk deportation, and preferred to stay with family or friends in Peshawar, Quetta, and other urban areas. Many of these so-called 'invisible refugees' were Hazaras, Uzbek, or Tajik ethnic minorities. They lived in a state of legal limbo, undocumented and unassisted, and constantly at risk of being picked up by the police, detained, and returned to Afghanistan”.

Pakistan's hardening attitude toward refugee was also prompted by the dwindling international assistance for refugees. In the beginning, the international community was quite generous in offering financial assistance to refugees in Pakistan: between 1979 and 1997 UNHCR spent more than US \$1 billion on refugees in Pakistan. “Large amounts of 'unofficial aid' poured into refugee camps in the country,” says a study by Oxford University's Refugees Study Centre, entitled 'Voluntary Repatriation and the Case of Afghanistan: A Critical Examination'. “As part of the Cold War the United States particularly had a strategic interest in supporting the fight against the Soviet Union in Afghanistan.

During the 1980s some refugee camps were used as *mujahideen* training camps, from which incursions into Afghanistan took place. Disguised as 'humanitarian aid', large amounts of financial and military assistance, estimated at around US\$ 4-5 billion, were distributed to the *mujahideen* or 'fighters in *ji*had' between 1980 and 1992 under the coordination of the Central Intelligence Agency (CIA) and the US Agency for International Development (USAID)," according to the study.

A report published by the US Committee for Refugees 'Pakistan: Afghan Refugees Shunned and Scorned' says: "What appeared to be a fairly sudden change of heart by a country long praised for its generosity toward refugees was, in fact, the culmination of a long process. From the late 1970s until the early 1990s, the international community lavished substantial assistance on Pakistan and on Afghan refugees in Pakistan (as well as on Afghan groups battling Soviet forces in Afghanistan

The 9/11 attacks and their aftermath only lent urgency to Pakistani authorities' resolve to send the refugees back home. The attitude was in keeping with the ensuing paranoia and xenophobia that had engulfed the western nations where according to Human Rights Watch "Anti-immigration measures were the centerpiece of many governments' efforts to combat terrorism in the aftermath of September 11. Many countries, including the US and the United Kingdom, rushed to push through emergency anti-terrorism legislation that curtailed the rights of refugees, asylum seekers, and migrants..... Not only did doors close to Afghan refugees in neighbouring countries, but also further afield. According to UNHCR, Afghan refugees arrived in countries as distant and geographically dispersed as Australia, Cambodia, Cuba, and Iceland in 2000. In 1999 and 2000, the number of Afghans who sought asylum in Europe nearly doubled, with Germany, the Netherlands, and the United Kingdom receiving the largest numbers of applications. Fears of a mass influx of Afghan refugees after September 11 prompted several countries to introduce harsh policies." Anti-terrorism and anti-immigrant laws in the US, Britain, Australia, Spain, Greece and Germany created a global backlash against refugees and immigrants where individuals were targeted for "guilt by association" based on their political, national, ethnic, or religious affiliation.

"For the US and its allies voluntary repatriation is ideologically significant to the 'war on terror' and a measure of its success," says the Oxford University Refugees Study Centre's study. "In addition to the 'war on terror' (against Al Qaeda and the Taliban), the international coalition cited humanitarian reasons to justify military intervention in Afghanistan. Afghans returning voluntarily help legitimise the military operation in Afghanistan, implying success in defeating the forces that led Afghans to flee persecution, including widespread human rights violations. The return of refugees allows the coalition to lay claim to paving the way for the restoration of a functioning democratic government: one which protects its citizens, respects human rights and the rule of law. Such a presentation lends the 'war on terror' in Afghanistan legitimacy, credibility and continued international support. Western states were also keen to see the return of those Afghan refugees they were themselves hosting. This would require a voluntary repatriation programme to be implemented in the region. As Afghan refugees topped the list of asylum applicants in Europe for over a decade: 'there was, therefore, interest by some countries in Europe, to explore the possibility of "opening" the tripartite framework for voluntary repatriation'. Tripartite agreements between Afghanistan, UNHCR and a number of European governments were thus signed relatively quickly after voluntary repatriation began in Iran and Pakistan. France signed the agreement in September 2002, the UK in October 2002 and the Netherlands in March 2003. This can be understood as part of the prevailing efforts by Western states to minimise

the numbers of refugees and asylum seekers in their territories.”

Repatriations are supposed to be voluntary, but many refugees say they do not want to return, mainly because of concerns over insecurity and lack of support for rebuilding their lives in their native country. In April 2008, the UN refugee agency said Pakistan needed to revise its plan to repatriate all registered Afghan refugees by the end of 2009, saying the strategy was unworkable, and could fuel militancy and breed more extremists if too many refugees were pushed out in a short time. The UNHCR called upon the government of Pakistan “to continue to be a generous host” and said that some areas in Afghanistan were not very secure, and assuming that all Afghans must return immediately was a fallacy. It said that refugees who were repatriated would probably come back to Pakistan and simply inflate the number of illegal migrants in Pakistan.

The chief of Commissionerate for Afghan Refugees the authority responsible in Pakistan for refugee issues said that conditions in Afghanistan made it unlikely for Islamabad to reach its repatriation target but still aimed for most of the refugees to go back by the end of 2009. “We don’t want Pakistan alone to carry this burden. Our concerns should be addressed. Just saying that since 2.4 million people can’t return and Pakistan should keep them as long as situation in Afghanistan does not improve that’s something we cannot accept,” the commissioner said. He urged Afghanistan to provide land and the international community to fund development work for returning refugees.

Camps A security threat

While the authorities in Pakistan have always said the Afghans would have to go back home, there is a certain urgency to the repatriation drive that flows from an understanding that refugee camps have become safe havens for terrorists and drug dealers. Preoccupied with the demands of the war on terror, Pakistan, Afghanistan and the United States share this view. In a letter dated January 25, 2007, Munir Akram, Pakistan's Permanent Representative to the United Nations at the time, wrote to the UN Security Council: " The problem of cross-border militancy is closely related to the presence of over 3 million Afghan refugees in Pakistan. We have hosted these refugees since 1979. Two million Afghan refugees are in camps, some of which are close to the international border. Over 1 million Afghan refugees live in urban centres of the North West Frontier Province and Balochistan. The Taliban militants are able to blend in with these refugees, making their detection more difficult. We would like to see all Afghan refugees repatriated to Afghanistan as soon as possible. We look forward to international assistance and the cooperation of the Afghan Government for the immediate relocation of some of the camps near the border to inside Afghanistan. These camps have often given rise to complaints that they provide shelter to undesirable elements and Taliban." An article in the Newsweek on October 20, 2007 read: "The Afghan refugee camps around Peshawar, meanwhile, have become vast jihadist sanctuaries. The Jalozai and Shamshatoo camps, each housing some 100,000 Afghan refugees, date back to the war against the Soviets. Complaints from the Afghan government have forced Islamabad and the U.N. High Commissioner for Refugees to begin the long process of emptying Jalozai, a job that's supposed to be completed by next spring. Many of the camp's high-walled compounds are already abandoned. But few Jalozai residents are returning to Afghanistan when they leave the camps. Most are settling in Peshawar or other towns in the vicinity, which will allow the Taliban more space to operate in."

This mindset dates back to the Cold War, when Pakistan as a frontline ally then in the war against the Russian occupation army in Afghanistan, with generous funding and arms from CIA and Arab countries trained and assisted Afghan Mujahideen. They were housed and trained in refugee camps, maintaining operation bases and recruiting from there. Jalozai and Shamshatoo camps in outskirts of Peshawar acted as headquarters for Mujahideen and their western and local supporters. Having actively supported Jihad during the 80s, the local authorities are well aware of the risk of the refugee camps some of which still house Mujahideen commanders reverting to their old role, only this time the commanders supported by elements in Afghanistan to foment trouble in Pakistan. "The case of voluntary repatriation to Afghanistan epitomises the forces of regional as well as international factors in shaping the implementation of this 'preferred' durable solution. Thus, an analysis of regional political and historical contexts with regard to Afghan refugees is vital to understand the dynamics surrounding their 'voluntary repatriation' from the year of 2002." (Oxford University's Refugees Study Centre, entitled 'Voluntary Repatriation and the Case

of Afghanistan: A Critical Examination)

In October 2008, the government gave around 50,000 refugees a three-day deadline to leave the Bajaur tribal region where the security forces were fighting extremist militants. Some, 20,000 refugees left Bajaur to take refuge in the eastern Afghan province of Kunar. The call on Afghan refugees to vacate the area was given in a bid to clear Bajaur of insurgents. UNHCR in Kabul said there were no confirmed reports of "registered Afghan refugees" living in the volatile Tribal Areas because UNHCR does not have access to the Tribal Areas and that refugee camps in FATA were closed down in 2005 at the request of the Pakistani government. UNHCR requested the Pakistani authorities to ensure that registered refugees who may still live in the FATA were not forced to return to Afghanistan and should be given the option to relocate elsewhere in Pakistan. UNHCR said any unregistered Afghans living in the FATA might be deemed eligible for forced deportation.

In 2004, the Pakistan Army operations conducted with the backing of US intelligence and surveillance displaced 25,000 Afghan refugees in South Waziristan, who poured back into Afghanistan. A New York Times article on 21 July 2004 quoted UN officials in Afghanistan as saying that as the operations increased in intensity, the Pakistani military hardened its position against the Afghan refugees living in the area. "Refugees have been given as little as two hours," the NY Times quoted a UN official, before their houses were bulldozed. The authorities closed down two refugee camps, Zarinoor 1 and Zarinoor 2, in South Waziristan as part of the plan to dismantle all camps within about three miles of the border "so militant-saboteurs would have no place for asylum". The Tribal Liaison Office of the NGO Swisspeace interviewed 1,500 families in the Afghan province of Paktika, bordering South Waziristan. "The organization has estimated that nearly 4,000 families have taken shelter in Paktika Province alone. Afghan government officials say the total is nearer 5,000 families, with almost 200 more families arriving in Ghazni province, and another 200 families in Baghlan province, north of Kabul. The United Nations refugee officials have been unable to travel to Paktika but also use the figure of 24,000 to 25,000 people. Daniel Endres, acting head of the United Nations refugee office in Afghanistan, said their ejection from Pakistan amounted to forcible repatriation," the NY Times report said.

It was a matter of time before the authorities turned their attention to other camps in the border areas as well as urban centres. This security concern may be justified, even warranted by the history of camps like Jalozai and Shamshatoo in NWFP and Jungle Pir Alizai in Balochistan that have been strongholds of Taliban supporters, Afghan *mujahideen* and drug mafia through the years of conflict in Afghanistan. The refugee camps became controversial when the Zia regime adopted jihad as state policy and trained *mujahideen* leaders in these camps with support from the United States. In Balochistan, the establishment's support for these camps continues even when there has been political backing for closure of these camps - especially Pir Alizai that, say the local people, harbour more elements that are criminals and drug dealers than refugees. "The Pakistani government - which is under pressure from the Afghan government, the USA and other countries to tackle extremists on its territory - has indicated it wants to put an end to the presence of Afghan refugees in its North West Frontier and Balochistan provinces", IRIN reported in December 2008.

The refugee camps may have become something of a puzzle in the war on terror, but this confusion about their role has cast a shadow over the fate of Afghan refugees. They have been reduced to collateral damage to the war on terror and geopolitics, not to mention a failure of the powers involved to come up with mechanisms that separate ordinary civilians from armed groups rather than subjecting refugees to treatment reserved for militants.

A Pakistani government official working with the refugees told HRCP that there were safer places for terrorists to hide than refugee camps because “people go [to camps] through the Commission of Afghan Refugee (CAR) security. They cannot escape our security net because CAR knows the camp and its residents well, and has contacts. Even local communities (the refugees and host communities) would not allow terrorists because they don't want to jeopardise peace.”

In Peshawar, Quetta and Karachi, Afghan refugees are regularly rounded up by authorities on charges of Taliban connections. This attitude, far from achieving desired goals, has only led to burdening the fragile Afghan state and created sympathy for the insurgents because the refugees and the militants are treated as one since refugees are mostly Pashtuns, they can't be told apart from the Taliban of same ethnicity - and dealt with force. It has also eroded any good will the Afghan people may have for the countries that have hosted and supported them through years of conflict.

For the *mujahideen* who have lived in Jalozai and Shamshatoo since the Jihad years, the closures of camps present risks unique to individuals with such history and connections. “People have occupied our houses and lands back home,” said a former *mujahideen* leader at Jalozai. “There was war, people got killed on both sides. We have enmities and revenge carried over from those days. The communists are now in the government, they know our parties, our loyalties. You go back and they seek you out to settle old scores. There are families here headed by women. A lot of men died during the jihad, leaving behind widows and orphans. What will they go back to? People who return are Pashtuns and looked at as Taliban sympathizers [because of common ethnicity]. It makes the refugees suspect. Those of us who are against the Taliban are in trouble if our provinces are under their control. The government says there are Taliban here. It's all hearsay. There are no Taliban here. There used to be a lot of Arabs here. No one called them Al-Qaeda back then. Back then they were *mujahideen*. They have left after the government operation. There are only poor refugees here now.”

There have been reports of Pakistan plans for fencing the 24,000 km border with Afghanistan and even mining parts of it. While highly contentious, the plan was prompted by Western accusations that the Taliban and Al Qaeda continue to infiltrate into Afghanistan from Pakistan. Pakistani authorities say that through plugging the porous border they intend to stop or reduce the smuggling of drugs. The Pashtuns on both sides of the border and the Afghan government - that wants them to have their traditional freedom of movement - have opposed the plan. The UNHCR wants the border open to allow for future influx of refugees in case of conflict. The international community has opposed the idea of mining the border in keeping with its stand against abolishing mines and their use. While the issue has been politicized and made controversial by posturing from both sides, there is little doubt that Afghan refugees are being made a scapegoat for the adventures of great gamers. If anything, the closing down of camps without proper arrangements to accommodate refugees will only fuel more conflict. Rather than combating militancy in the region, it will add to the existing pressures on the socio-economic fabric of Afghanistan, increase support for insurgents because shelter-less and jobless refugees could be amenable out of pressure, resentment or the need to survive - to joining armed groups.

Voluntary or forced repatriation?

Elements [of voluntary repatriation] must include that refugees are not manhandled; that they can return unconditionally and if they are returning spontaneously they can do so at their own pace; that they are not arbitrarily separated from family members; and that they are treated with respect and full acceptance by their national authorities, including the full restoration of their rights. UNHCR, Manual on Voluntary Repatriation, 1996

"If the border [with Afghanistan] is thrown open today, this place will be flooded with refugees. The [demolished] houses will rise again." A refugee at Jalozai camp "I will stay in the camp until the bulldozers come." A refugee leader in Jalozai camp

The majority of Afghans living in Pakistan do not wish to return home, something established beyond doubt by a number of surveys, most recently the findings of the registration campaign that said "82% of the more than two million Afghans in Pakistan have no intention of returning to their homeland in near future". Perhaps mindful of this, the authorities had already asked the refugees in the camps to either repatriate voluntarily or relocate to camps in the remote north, long before the report came out in 2007. Although the refugees were given a choice to relocate to other camps, this worked as a pressure tactic causing refugees to opt for repatriation instead of relocation because they would rather return to Afghanistan than resettle in a place from where they will be rooted out again when the deadline arrives. "If we have to go to mountains or dasht (plains) and start all over, we would rather return to Afghanistan," a refugee at Kacha Garhi told HRCP in 2007.

Reluctant to start afresh in camps far from urban areas with no opportunities to earn a livelihood, refugees said the choice of repatriating to Afghanistan was forced upon them. A move they resisted when the authorities moved to close down Kacha Garhi, Jalozai in NWFP and Pir Alizai in Balochistan.. The UNHCR had to appeal for calm after an outbreak of violence in Jungle Pir Alizai in Balochistan when the authorities began demolishing houses in the camp in May 2007 before the scheduled closure of camps on June 15 that year. Reports suggested that at least three Afghan refugees were killed and 10 other injured during clashes between the Pakistani authorities and residents of the Jungle Pir Alizai camp, 62km west of Quetta, provincial capital of Balochistan. Jungle Pir Alizai was not the only camp where authorities resorted to forcible demolition of houses. On May 15, a day before violence in Jungle Pir Alizai, at least 70 shops and three homes were razed at the Kacha Garhi refugee camp in NWFP, also slated for closure on June 15, a target achieved. A refugee at the UNHCR verification centre at Hayatabad said: "No one's going of his free will. No one wants to go. Look at this (pointing to a truck full of recycled beams. Can you build a life with this?"

In Jalozai camp divided in nine zones for refugee eviction and closure electricity and water was cut off in the summer when it was the turn to close down a zone. When asked if they

had sought help from UNHCR, the refugees said that their elders had gone all the way to the UNHCR offices in Islamabad but were told that the UN could do nothing because of the pressure from the authorities. A UNHCR official said the shops in the camp were razed after owners were served with written notices of eviction. In Jalozai, the authorities announced on mosque loudspeakers the deadline for vacating the camp. An Afghan refugee woman in Jalozai camp told HRCP that the camp crawled with uniformed personnel of the Frontier Constabulary (FC), there were armoured personnel carriers and the residents feared that an operation to vacate the camp was imminent. "The FC was all over the market and had the camp surrounded, there were announcements asking the refugees to leave," she said. "It created panic."

The authorities brought in bulldozers to raze the vacated shops so the refugees could not come back again. The bulldozers were parked in the camp for the night that created panic because the refugees had heard accounts of authorities demolishing houses and shops in Kacha Garhi camp. Afghan shopkeepers in the Jalozai market told HRCP that the police put locks on their shops so they could not open them. "*Prideem na, no na ba zoo* (If they won't let us stay, we'll have to leave)," a frustrated Afghan in Kacha Garhi camp said while waiting for assistance at the UNHCR verification centre in Hayatabad. "We have not been threatened with force but still we have been forced to leave. Our houses were not razed like others but we were made to demolish them. The militia came and told us to pack up." A beekeeper from Jalozai said the governments in Afghanistan and Pakistan were both fed up with refugees. "They force the poor out whereas those with money stay put."

An Afghan from Jalozai leaving for Afghanistan said that he would never have left if it were not for the authorities threatening the use of force. "The militia is everywhere. They have brought in armoured machines in the camp and the bazaar for fear of an uprising. Does this seem like a voluntary decision [to leave]?"

When another refugee, a father of five, was asked if he was leaving voluntarily, he replied: "*Raza Na Da* (No, not willingly)," adding that he felt forced to leave because the authorities had threatened to bulldoze the houses.

Conditions in Pakistani camps may be harsh but the refugees here have built a life for themselves, with help from aid agencies. The camps have become proper settlements like mud villages anywhere else in rural Pakistan. Even though international aid to these settlements has tapered off, they have schools, basic health units, water and sanitation facilities that may not be available to the refugees in Afghanistan. Almost all Afghan men and women that HRCP interviewed were angry about the decision to close down the camps. Many said they never faced any problems as far as the local people were concerned but the authorities harassed them and forced them to leave. "Three families who left recently for Afghanistan came back and set up their shops again in the bazaar," a refugee at Jalozai told HRCP before the camp was closed down. "The police came after them and they left for the refugee camp in Attock. People who have left say they want to come back even if they have no shelter in the camp. Their houses have been razed after they left."

Faced with the grim prospect of being forced out, their houses demolished and their businesses closed down, the refugees had no choice but to leave. "People knew they would be humiliated if they don't leave, so they left even though there is nothing for them to go back to," a school teacher at Jalozai told HRCP. The refugees, he said, opt for the voluntary repatriation programme because that way at least they receive some travel and

reintegration assistance from the UN refugee agency.

Another refugee told HRCF: "People who have left are now in trouble. We know it because they are our relatives. They faced losses because they wound up their businesses here and left. They have no houses and are in debt now."

Early in 2007, the Pakistani authorities said 11 refugee camps would be closed in 2008. They are based in the districts of Swat, Kohat, Nowshera, and Hangu. Authorities said the plans for closure were "informal". The Afghan government and UNHCR have been resisting the move because of low absorption capacity back home and in April 2008, UNHCR confirmed that no other camps except Jalozai would be closed down. At the time of this writing, no names or locations were announced. "Based on the reality on the ground, we will begin [camp closures]," a government official told IRIN. He stressed that "there would be no forceful eviction, there will be no forceful closure, and there would be no repatriation unless it is voluntary". Meanwhile, the UNHCR called upon the government of Pakistan "to continue to be a generous host" and said that some areas in Afghanistan were not very secure, and assuming that all Afghans must return immediately was a fallacy. It said that refugees who were repatriated would probably come back to Pakistan and simply inflate the number of illegal migrants in Pakistan.

However conditions on the ground suggest a stance contrary to official statements. Since the "voluntary" repatriation drive resumed in March 2008 the year Jalozai was closed down and demolished refugees from Jalozai camp had been calling HRCF offices, seeking intervention to stop authorities from demolishing their houses in the camp. Refugee elders have even sought intervention from the present political set-up. They sought a meeting with Asfandiyar Wali, leader of the Awami National Party that has formed government in NWFP after the February 2008 elections. They wanted the government to halt the closure of Jalozai camp till 2009. However, the closure of camps is more of a federal issue than provincial. NWFP Chief Minister Ameer Haider Khan Hoti who belongs to the ANP told the press in February 2008 that there were "a lot of problems" related to the Afghan refugees "but if they have to go it should be with mutual consultation and understanding." The official stance of ANP is that Afghan refugees repatriation should be volunteer and refugees should be sent back "with dignity and in keeping with the international norms and procedures of refugee repatriation."

With the spate of suicide bombing in eastern Punjab province in 2009, there have been reports that arrests of Afghans are increasing there. ANP spokesman told Radio Azadi in April 2009 that what the "government was doing against Pashtuns and Afghans deserved condemnation." The arrests of Afghans increased when the Taliban commander in South Waziristan, Baitullah Mehsud, announced that he had sent suicide bombers to the province to attack a military school in Lahore. Authorities in Lahore, Rawalpindi and Islamabad arrested 800 Afghans after Mehsud claimed responsibility for the attack.

"It was doomsday when the authorities razed our houses," a Turkmen carpet weaver from Jalozai told HRCF. "The Turkmen carpet weavers have been scattered all over the place. We used to have good business, everyday trucks full of carpets would leave for the city. Others had jobs because of our business. There used to be 3,000 Turkmen families here, now there are few left. Most have gone to other camps like Za Khel and Khurasan."

"The case of voluntary repatriation to Afghanistan is a function of political forces consisting of strong regional as well as international state interests," according the study by Oxford

University's Refugees Study Centre. "UNHCR even states that this repatriation programme 'provided valuable opportunities for political cooperation on an issue that has been the source of considerable regional tension'. It seems that there is 'something in it for all' when looking at the gains and interests of various actors directly as well as indirectly involved in this process. The US and its allies have succeeded on a military as well as humanitarian basis in Afghanistan; Western host states have more legitimacy to return Afghan refugees, and thus reduce numbers of refugees; the government of Afghanistan can consolidate and build its power base through the return of its citizens; Iran and Pakistan are largely relieved of the burden of hosting the largest refugee population in the world. However, where does that neat calculation leave refugees? Refugees themselves are conspicuously absent from this list of beneficiaries. Rather, 'as long as Afghanistan remains a hotbed for international and regional forces in their struggle for influence and/or against terror, the Afghan refugees remain a useful tool'. It seems quite evident that there are powerful interests in place that have shaped and governed the solution of voluntary repatriation for Afghan refugees. The lack of agency and choice for refugees already implies some degree of coercion in terms of which actors shape the framework in this process. The solution works perfectly if refugees actually decide entirely voluntarily to return. But as this framework is initiated by external actors, it is questionable that refugees have viable choices. Once these external interests are so powerful, there are serious implications for the ability of refugees to exercise voluntary decision making. In such a politically charged situation principles and standards ensuring 'voluntary' repatriation are likely to be bent and interpreted in rather liberal ways".

In September 2008, Afghan Minister of Refugees and Returnees Shir Mohammad Etibari rejected calls by the head of the UN refugee agency to boost the repatriation of Afghan refugees. Antonio Guterres, the UN High Commissioner for Refugees, was quoted as calling for more Afghan refugees to return home. Etibari said his government did not have the capacity or resources to facilitate basic services to encourage refugees to return. He said Afghanistan did not have the means "to provide an encouraging environment for refugees to repatriate". He criticised international donors and UN agencies for not doing enough to enable the government to provide a sustainable solution to the Afghan refugee crisis. "They only make promises but do little," he told IRIN on September 7, 2008. In April 2008, the UN refugee agency said Pakistan needed to revise its plan to repatriate all registered Afghan refugees and called upon the government of Pakistan "to continue to be a generous host" and said that some areas in Afghanistan were not very secure, and assuming that all Afghans must return immediately was a fallacy.

Security Concerns about home

Refugees who face the prospect of repatriation have been concerned about security conditions back home. Of the 2.15 million refugees registered, a vast majority cited insecurity as the main reason for reluctance to return. Most refugees in Pakistan are from the troubled southern or south-eastern provinces in Afghanistan where armed insurgencies, military operations, suicide attacks and worsening law and order have created massive suffering and displacement, shaking confidence of refugees in the prospects for peace and stability at home.

The removal of Taliban and the international commitments to rebuilding Afghanistan at Bonn in December 2001 had the Afghans euphoric about returning home. The year 2002 saw a staggering number of Afghans 1.6 million repatriating to Afghanistan. Since then, the numbers have shown a marked reduction as the Afghans have become "increasingly disillusioned with the rate of progress being made back home - both on the security and socio-economic fronts." In 2007, only 340,000 Afghans returned "due largely to an increase in the monetary grant provided per returnee as well as an announcement by the government that those Afghans that did not register with the authorities and did not leave the country within a designated period would be deemed illegal." It is to be expected that fewer Afghans will leave this year due to security concerns. And not without a reason.

As UNHCR resumed repatriation on April 1 planning to help some 220,000 Afghans to return home by the end of 2009, the Afghan Ministry of Refugees and Repatriation told IRIN that 'it does not have the capacity to absorb large numbers of returnees.' "Insecurity, land disputes and lack of jobs have stopped tens of thousands of returnees from moving to their original areas and rebuilding their houses. "The situation in Afghanistan has deteriorated significantly since 2006, particularly on the security front. Afghanistan is also one of the poorest countries in the world and people have very little access to basic services such as health, education and livelihoods," Ingrid MacDonald, protection and advocacy manager of the Norwegian Refugee Council (NRC), told IRIN in Kabul in March.

Recent months have seen an escalation of violence against civilians in Afghanistan. The UN Assistance Mission in Afghanistan (UNAMA) said in a **report** entitled Protection of Civilians in Armed Conflict in 2008 that over 2,100 civilian Afghans were killed in the conflict in 2008; about 55 percent by various insurgent groups and the rest by pro-government forces. The UN and rights watchdogs have repeatedly accused the insurgents of deliberate, systematic and widespread attacks on non-combatants and civilian locations. The NGOs also voiced concern about a significant increase in civilian deaths resulting from aerial strikes by international military forces which were reported to be 552 in 2008; 72 percent higher than 2007, said the UNAMA report. As Afghanistan marked the International Day for Mine Awareness and Assistance to Mine Action on 4 April amid reports that landmines and other explosives kill 2-3 people daily in the country, the UN Mine Action Centre for Afghanistan (UNMACA) said most of the victims were returnees or internally displaced persons (IDPs), who had little or no awareness about mine risk. In 2008, mines and other explosives claimed the lives of 752 people in Afghanistan, most of them children. Figures compiled by the Afghan Independent Human Rights Commission (AIHRC) revealed that civilian casualties peaked in August 2007 with one hundred and sixty-eight civilians died in armed conflicts, suicide attacks, improvised explosions and aerial bombardments in Afghanistan.

August marked a 16.6 percent increase in civilian deaths over July when 144 non-combatants reportedly lost their lives. Two thirds of the 168 civilian deaths happened in military operations conducted by international forces against their opposition. The AIHRC accused all sides of not providing civilian protection during their military operations.

In December 2008, the Afghanistan Independent Human Rights Commission (AIHRC) said that millions of people in Afghanistan were living in poverty, were short of food, lacked access to basic services, and were vulnerable to violence despite seven years of international help. The report said most rural Afghans did not have access to safe drinking water and sanitation, while many returnees from neighbouring countries and internally displaced persons (IDPs) were living in dire conditions. The government, its partners and aid organisations had failed to meet the needs of millions of returnees from Iran and Pakistan, some of whom have become IDPs and live in makeshift settlements, the report said. "I wish we hadn't left Pakistan. Life was much better there than here," an IRIN story in January 2009 quoted an elderly returnee, Golam Shah, at the Chemtala desert in Afghanistan's Nangarhar province where over 6,000 returnee families, some of whom expelled from the Jalozai camp, have settled down. Despite seven years of debate about capacity building in Afghan institutions and the increasing disbursement of aid money by the government, the Ministry of Refugees and Returnees has said it still lacked the resources and capacity to respond to the needs of returning refugees. "We only feed returnees with futile promises of assistance and support," an IRIN story on problems facing returnees quoted a senior government official in January 2009.

Amid a worsening humanitarian situation across Afghanistan largely resulting from conflict, drought and high food prices, the issue of how to meet the needs of IDPs remains a pressing challenge for the Afghan government and aid organisations. Over 235,000 individuals are currently displaced in different parts of the country, down from about one million in 2002, according to UNHCR. There have been unconfirmed reports that some of the most vulnerable IDPs have sold their children to survive and feed the rest of their children.

The concern over the fate of returnees and IDPs and if their needs can be met is intensified by the growing insecurity in the country. In March 2009, the UN Secretary-General and the International Committee of the Red Cross (ICRC) warned that the security, humanitarian and political situation in Afghanistan was set to worsen in the months ahead. This is the first time that the UN and the ICRC have made such a bleak forecast, a warning that is sure to put the aid community already besieged by growing insecurity on the edge. Civilians have not been the only casualty of deteriorating security situation in Afghanistan, aid workers and mine-clearers have been increasingly targeted. UN assessments show that in the year to January 2009, insecurity increased by 75 percent compared to the same period the previous year. The country faced a 40 percent increase in security incidents in 2008 compared to 2007 and warring sides killed over 2,100 civilians in 2008, the UN reported. Armed conflict also turned tens of thousands into IDPs while hindering aid workers' access to places torn by conflict where they are needed most. Figures from the Afghanistan NGO Safety Office reveal that in 2008, 31 aid workers were killed, 78 were abducted and 27 were seriously wounded in 170 security incidents. The Afghanistan NGO Safety Office (ANSO) reported in October 2007 that since January 2007, 106 crime and conflict-related security incidents have targeted NGOs across the country. Although Taliban insurgents have been responsible in most reported security incidents against NGOs, ANSO figures show that criminal activities - mostly with economic motivation - have increasingly affected NGOs even in the relatively peaceful north and north-eastern parts of the country. Anti-

government forces abducted more than 60 NGO workers compared with 20 by criminal gangs till October in 2007. The UN, NGOs and several other international organisations agree that, in terms of security, 2007 has been the worst year for aid workers in Afghanistan.

Growing insecurity over the years has made it difficult for the aid community to assess the needs, provide information and carry out the mandate of the UNHCR with returnees as well as IDPs (internally displaced persons) in conditions where civilians and aid workers are increasingly threatened. As security deteriorate, even places that were earlier considered safe became inaccessible to the UN and aid agencies and undermined their ability to reach returnees who need help the most. In 2007, UNHCR also noted "a lack of objective information in helping people consider their options."

An Afghan refugee at Jalozai, when asked about the sort of security threat the returnees faced, retorted, "don't you read newspapers, don't you listen to radio, it's all over the news, the suicide attacks, mine explosions, Taliban fighting - If the Americans can't bring about peace [to Afghanistan], who can?" The new US administration plans to send 17,000 additional troops to the country, but insurgents have vowed to respond with more violence. In June 2007 and then in September 2007, hundreds of people demonstrated in the Sawkai district in of Kunar province and in Asadabad, the provincial capital, demanding that US military installations be moved to non-civilian locations. 11 people died and five other were injured when several rockets from insurgents missed their target - a nearby US military base - in Babara village and hit a house instead. About 2,000 US personnel are stationed in several bases throughout Kunar Province close to the border with Pakistan. The Geneva Conventions and International Humanitarian Law stipulate that, "each party to the conflict must, to the extent feasible, avoid locating military facilities within or near densely populated areas." "We cannot leave our village. The US soldiers should leave us in peace and move their installations away from our area," IRIN quoted a local Afghan as saying in a report filed on 12 September 2007.

In April 2009, 11 international NGOs operating in Afghanistan warned about over-reliance on short-term military gains at the expense of longer-term peace and development. In a report sent to the heads of NATO-member states, they said much of the international aid to Afghanistan over the past seven years had been spent to achieve military and political objectives, and the current approach to aid lacked "clarity, coherence and resolve". "There is a need for a truly comprehensive strategy for the long-term reconstruction and stabilisation of Afghanistan," said the report entitled Caught in the Conflict (subtitled Civilians and the International Security Strategy in Afghanistan), released on 3 April. The NGOs including Oxfam, CARE Afghanistan, ActionAid and Save the Children UK are concerned about the growing impact of armed conflict on civilians and the increasing use of aid for military and political gain.

In a commentary on the report, Oxfam said: "The report warns the military are blurring the distinction between aid workers and soldiers by doing extensive humanitarian and assistance work for counter-insurgency purposes, and by using unmarked white vehicles, which are conventionally only used by the UN and aid agencies. This undermines local perceptions of the independence and impartiality of aid agencies and therefore increases the risk to aid workers, and threatens to reduce the areas in which they can safely work. The agencies recommend a phase-out of militarised aid and a substantial increase in development and humanitarian funding for civilian institutions and organisations.

Poor Conditions back home

Afghan refugees often cite poor services back home as an obstacle to return. Refugees complain there is no shelter, electricity, schools, hospitals or jobs back where they are asked to return. A family of carpet weavers in Jalozai was worried about lack of electricity back home. "We can't work on the carpets all the time, so I'll have to work as labour," the head of the family, a father of five, told HRCP. Another refugee who used to drive a taxi in Pakistan told HRCP: "If I leave, it will take me many years to restart my life. I don't have a house or job. There are no schools or hospitals. These are the problems that make me reluctant to return. I love Afghanistan, it is my land. We'll go back there when the conditions are right."

Afghanistan's National Human Development Report (NHDR) for 2007 also presents a somber picture of the country's human development indicators. It has dropped a place in a UN global human development index that ranks countries based on their citizens' economic income, life expectancy and literacy rate. Afghanistan ranks 174th out of 178 countries - ahead of only Burkina Faso, Mali, Sierra Leone and Niger. Back in 2004, the first-ever human development report of the country ranked it 173rd. It was widely expected that with peace returning to the country and with international support, Afghanistan will be able to improve its human development indicators.

Shelter and Housing

A common concern among Afghans whom HRCP interviewed in the refugee camps and on their way to Afghanistan relates to shelter and housing. Having lived in exile for decades, refugees have lost custody rights to their land or find the land that they have insufficient for their shelter needs because families have grown in size over the years. An Afghan living in Jalozai camp told HRCP that his land has been occupied by others. Going back and claiming them amounted to starting a feud over property. "I came to Pakistan with just my family. Now I have my own children and grandchildren. They also need shelter. It is not possible for me to build shelter for all because it is expensive and the land I left behind is not enough for all. We need a camp with services to go back to," said a refugee from Jalozai on his way to Afghanistan. "We'll probably stay with relatives in Kabul rather than going back to our village in Kunar where we have no shelter." A Pakistani truck driver who has taken back refugees from Rawalpindi, Bannu, Mansehra and Peshawar over the last ten years said refugees that are well-off left in the past. "The poor ones have stayed behind. Now they are asked to leave". Of the refugees living in Pakistan, those in camps are the poorest because they can't afford rents in the cities and towns. When they leave, they take with them doors and window frames salvaged from demolished homes to build houses back home.

The lack of shelter and basic facilities have also made many returnees become internally displaced, because they would rather settle in places where they have easy access to shelter, jobs and basic facilities than go back to rural areas where they have nothing. Repatriating refugees interviewed by HRCP said they were going to stay with relatives instead of returning to their villages and towns. In doing so they were stretching the resources of family members, or often acquired debts to build shelter for themselves.

Returnees who do not have their own homes in Afghanistan live in rented houses or in city slums because they prefer to settle down in urban centres where they can find employment. The UNHCR says over one million Afghan returnees from Pakistan and Iran have settled in Kabul. Tens of thousands of people have also flocked to the capital from across the country for various reasons, the Afghan Ministry of Urban Development said. An Afghan returning to Kabul from Jalozai told HRCP at the UN verification centre in September 2007 that he had no shelter there but was going to build one. He was worried about inflation and high rents. "There's no shelter and the winter is coming. It is not just my problem but everyone's here."

At a focus group meeting with refugee elders in Jamia Azakhel, a mosque in Azakhel refugee camp, an Afghan elder told HRCP that he recently went back to Logar to find a place for his family. He went to the governor and asked for land who retorted "did you have land when you went to Pakistan as a refugee?" "I said, yes, they gave us a dasht (open land), tents, food, medicine, electricity and water... there's nothing here [in Afghanistan] but

dacoits in the guise of Taliban.”

A 2006 UNHCR survey of over four million Afghans repatriated from Iran and Pakistan in the last five years found that only 41 percent of returning Afghans had a house in their home country. Many refugees do not settle down in the designated areas to shelter returnees because there are no jobs or basic services there. An IRIN report in September 2007 said only 19 out of 1,700 families returning from Iran and Pakistan have settled on land in Herat Province, western Afghanistan, allocated to them over a year ago. The Taqi and Naqi settlements, 30km west of Herat city, were allocated to the families to ease the housing problems of returning refugees, but lack of basic services - drinking water, schools, hospitals, electricity and security - has discouraged settlement.

In 2005 the Afghan government announced a land distribution scheme whereby the most vulnerable returnees would receive a plot of land on which to build their own house. Plots were allocated to thousands of people across the country. “We plan to allocate land to hundreds of families in 57 locations in 29 provinces until March 2008,” IRIN quoted Shojauddin Shoja, an adviser at the Ministry of Refugees and Repatriation Affairs (MRRA), in a story on 18 September 2007. A large number of beneficiaries in different parts of the country, however, point to the lack of basic services and other facilities which have prevented them from settling in the allocated sites. Returnees in Takhar province, north-eastern Afghanistan, for example, complained about a lack of livelihood opportunities at one such site about 25km from the provincial capital, Taloqan. In northern Balkh province people who were expected to settle in a site about 20km from the provincial capital said high transport costs and lack of a local market meant they could not live there. “Certainly there can be a situation where people have a house or have a piece of land, but that piece of land is not sufficient to meet their needs... and that is a major issue in this country,” said Salvatore Lombardo, a UNHCR representative in Afghanistan, quoted in an IRIN report on 18 September 2007. About one million Afghan returnees have received assistance to build houses through UNHCR's shelter programme since 2002. “It is still not enough,” a UNHCR official told IRIN. The UNHCR is helping the Afghan authorities to implement five pilot projects in which returnee settlements will be established in five provinces where minimum services would also be provided.

“Housing is not the decisive factor in motivating or discouraging the return of refugees... It is only one factor among several, including access to health, education and livelihoods,” the IRIN report on 18 September 2007 quoted a UNHCR official in Afghanistan as saying.

Education

Like with other services, whatever education is available may be made inaccessible due to the worsening security situation.

Last year, in the Shindand district in the western province of Helmand, more than 1,500 female students could not attend classes after unidentified assailants attacked their school. This is not an isolated case. Increasingly, schools particularly for girls have come under attacks from insurgents causing panic among the students and parents. Parents often stop sending children to schools for fear of safety. In early October 2007, the director of Helmand's education department told IRIN that more than 90 schools were functioning across the insurgency-torn province, while about 100 others, mainly in rural areas, were out of commission due to insecurity. Three weeks later, officials said, only 64 schools are open in Helmand.

At least 230 students and teachers have been killed and about 250 schools attacked by militants in the past three years, according to the Afghanistan Ministry of Education (MoE). Schools built by international forces are more vulnerable to attack by insurgents and other radical elements than those built by civilians. Almost 70 percent of school-age children are not attending schools because of insecurity in Helmand, Zabul and Uruzgan provinces. In Uruzgan province neighbouring Helmand, up to 65 of the 171 schools have not been functioning for over two years. Officials in Kandahar, Zabul, Ghazni, Paktia and Khost provinces also reported the closure of dozens of schools, mainly girls' schools, because of attacks from insurgents. The MoE said 14 schools were torched by insurgents in several provinces in April and May 2007. Education officials said that about 400 schools remain dysfunctional in southern Afghanistan, with tens of thousands of students deprived of education.

For educational purposes Afghanistan is divided into colder and warmer areas. In the colder areas - mostly the central and northern provinces - schools and universities start in March and end in November, while in warmer southern provinces the nine-month academic year starts in September. Over six million students, 38 percent of them female, have been registered at schools throughout the country, up to 40 percent of them in the warmer south. However, that's where the conflict has shown a sharp increase over the years. The refugees in Pakistan, mostly ethnic Pashtuns, come from the south and south-eastern provinces close to the border.

Immediately after the ouster of Taliban in late 2001, Afghanistan made visible progress in education with millions of students going back to formal schooling. Still over half of all Afghan children (about 3.5 million people) are out of school, the UK-based charity, Oxfam, said in October 2006. There are now more than six million students, 35 percent of them

female, in over 11,000 schools and education facilities around the war-ravaged country, the MoE reported in 2007. Widely devastated by over 25 years of armed conflict, Afghanistan has one of the lowest adult literacy rates among developing countries, with the literacy rate for adults over the age of 15 falling from 28.7 percent in 2003 to 23.5 percent in 2005, the report states.

Afghan women, in particular, suffer lack of access to education. "Enrolment rates for women at the primary, secondary and tertiary levels are almost half that of men - 41.8 percent for females and 73.7 percent for males," the report said. Women are also deemed far behind men in other human development indicators, such as access to health services, employment opportunities and longevity.

Concerns of refugee women

Security

HRCP interviewed a number of women living in the Jalozai camp slated for closure by April 15, 2008. They come from Kunar, Paktia, Laghman and Kabul provinces in Afghanistan. Refugee women of different age group felt more safe and happy living in a refugee camp than going back to Afghanistan mainly due to lack of basic facilities and security in their hometowns.

Rafia, 19, is a school teacher whose family is from the Kunar province in Afghanistan. She is Tajik. Her family of 8 members has lived in the Jalozai camp for the last 25 years. They were forced to move to Pakistan and live in a refugee camp due to war and instability in her homeland. Zakira who was born in Jalozai camp said she had visited the Narang city. The conditions there were really bad, she said.

“At night, we could not sleep due to bomb blasts. Women cannot go out and work.” Zakira said her cousin was educated but she couldn't continue teaching in a school because her family received threats from elements who didn't want women to go out and work.

“There is no war anymore but there is still no peace especially for working and skilled women,” said Rafia whose elder sister received vocational training in carpet-weaving and younger sister is studying in 11th standard at the moment.

“If we cannot work and cannot go out to get education and do not feel safe [in Afghanistan], what is the use of living in such a place,” she observed.

When asked if the repatriation was voluntary or forced, Rafia said that the Commission for Afghan Refugee (CAR) and the UNHCR facilitated people with voluntary repatriation but when all of a sudden the Frontier Constabulary personnel spread all around the main market and there were announcements from every mosque in the camp asking refugees to leave on a particular day, it created panic.

“We had to move to Peshawar city and rent a house as my sister was studying and we had no land or house in our homeland to go back to. We hardly lived for a month in the city but moved back to camp as we could not afford rent,” said Rafia, whose 80 years old father can't work and her two brothers are married and have to look after their families.

She said her two uncles who had returned to Afghanistan were unhappy as their children couldn't go to schools and basic facilities like shelter, electricity and water were missing. They regret their decision, Rafia said.

Other refugee women were of the same opinion. Only cities had basic facilities but it was very expensive to live in cities and those returning from the camps could not afford it.

They said if there were basic health units or hospitals in the towns, they were without doctors and medicines. There are no women teachers at schools for girls in Kunar province. Locals with a conservative outlook don't send their daughters to such schools. Although they have not heard of any harassment of women in camps or at the border, the security situation in Afghanistan is the main threat.

"If we are given a choice I would like to live here than in Afghanistan since there is no stability and peace there," said Rabia, 23, a married woman with three kids. Rabia comes from the Farmankhel town in Laghman province and teaches at a school in the Jalojai camp.

The Pashto speaking Rabia came to Pakistan when she was 12. She has lived in the camp for the last 22 years. Her family came to Pakistan due to war in Afghanistan. She said that condition back home were harsh. She had been getting news about insurgents burning girls' schools in her hometown from her relatives in Afghanistan who visit her. She went last year to Afghanistan but couldn't find a teaching job so she returned to the camp in Pakistan. She said that whenever the repatriation process started, the authorities including UNHCR and CAR did not provide them any information about conditions back home.

She also said that it was much better to live in a camp in Pakistan than Afghanistan as there were no schools, no water or electricity. She said patients from towns died on their way to hospitals in cities since there were very few hospitals in towns and villages.

She said that if her family "was" repatriated, they would go to live in Kabul. "Even here in Pakistan, families who could afford to go to live in cities like Peshawar have shifted there," said Rabia.

She said that her family would be internally displaced because even if they go to Afghanistan, they don't have shelter and her in-laws could not afford to keep her family. Laila, 55, hails from Gardez in Paktia province. She has lived in Jalojai for 28 years now, since her family first came here after Soviet intervention in Afghanistan. Laila who visited her brother in Gardez two months ago said there was no security in her hometown. Rockets and bomb blasts constantly threatened people's peace of mind, she said.

Laila is married with two young sons. She had a bitter experience when one of her sons, in Afghanistan to find a job, was kidnapped by the Taliban. They had to incur debts to pay a ransom of Rs 800,000 (approx \$10,000) for his release. Taliban let her son go unhurt but threatened him if he came back to Afghanistan again.

She said after this experience and the burden of debts, the family was left with no other option but to go to Afghanistan where they had no land, or house.

Gulalai, 25, has been working as a sweeper in one of the schools in the camp. She takes care of her eight children. Her husband left her and married another woman.

Gulalai, who has never been to Afghanistan, knows no one there and is totally at a loss when asked where she will go when she returns there. "If I am forced to go to Afghanistan I don't know what I would do there. I have no relatives there," she said.

Seerat, 20, is a student in a local Afghan university. She belongs to the Kunar province. Her family also left Afghanistan due to war. Seerat's father works at a shop to take care of ten children, five of them girls.

Seerat said that she got information from her relatives that although fighting has stopped but terrorism was very much a threat. She said the Taliban did not allow women to work so it would be very difficult for her family to make ends meet since they have no land or house in their village. She said that if there was no work for her and her sisters and no education facilities it would be difficult to survive in Afghanistan. Moreover, they had been hearing news of suicide bombings, threats to workingwomen and school-going girls which discourages her and her family from going back.

"A woman's son was just killed by Taliban because he was working as a translator. Another woman who was our neighbor, her son was killed in a suicide bombing when she went back to Afghanistan. Such incidents discourage us from going back to Afghanistan," Seerat said. She said her brother also went to Afghanistan for work but came back as there was no security there.

She also said that UNHCR or CAR did not provide any information to returning refugees about the situation in their hometowns. "But we do come to know about it through our relatives," she said.

Conditions back home in our hometown are not good. My parents who visited five months ago said life was very difficult there due to Taliban and the foreign forces there.

"One can not even turn off light or answer door at night. If you answer the knock at your door at night the forces would blame you for having links to with Taliban or Al-Qaeda. If you turn off light at night, that makes you suspect and you are considered a security threat to forces," she said.

Seerat said her family cannot go to their hometown of Goru since they have no house or land there. There is also still conflict in Kunar province and it's not safe to live there, she said.

"If we are forced to leave the camp, we would probably go to Jalalabad," she said. She complained about mistreatment of returning families at the Torkham border. She said the Afghan government can help the returning refugees by providing them shelter at a designated area and provide basic facilities to the returning refugees.

Repatriation

Afghan Refugee women in Jalozai said those who returned to Afghanistan did not go of their own will but when they saw how the refugees of Kacha Garhi camp were treated by authorities, they had to obey when the authorities said they should vacate the camp.

“The FC surrounded the camp and authorities announced that they would allow us till August 31 and after that authorities would take control of the situation,” said Shukria, an Afghan refugee.

She said that refugee women were not harassed by authorities but refugee men who work outside often faced extortion and harassment at the hands of police.

They said that there were so many restrictions on women's jobs and girl's education in Afghanistan that they were better off here. “The economic condition in our hometown is so bad that no one is willing to go back,” said Shukria.

Refugees should be provided with shelter and other basic facilities in the camp and back home. Peace is also very important for refugees to return to Afghanistan, she said.

Amina expressed her concerns about condition back home. She said that there were no health, education and employment facilities in her hometown in Laghman province.

“This year, we faced a little pressure from authorities when we were given repatriation deadline,” she said. “Markets were closed, our houses were demolished and the Frontier Constabulary surrounded the camp,” she said.

She was also of the view that their men were harassed and they faced extortion at times at the hands of the police when they went to cities to find work.

She said that she would like to live in Pakistan rather than Afghanistan as there is no peace. “Even if we are living in bad conditions in the camp, we at least live in peace and can work here,” Amina said.

Laila said the repatriation was not voluntary. “We did not come to Pakistan of our will and were forced by war and the conflict which is still going on. Since there is no peace no one wants to go back but if authorities force us, we have no option but to leave.”

The authorities used pressure-tactics like cutting off basic facilities such as electricity in summer, bulldozing our mud houses and not allowing us to go to other villages. She also confirmed that Afghan men were often harassed.

Giving example of Dilawar Khan, one of her neighbours, who was arrested four years ago due to a false accusation of theft by her cousins was still languishing in jail. In another case when a local government representative of Jalozai was shot, the Police arrested more than 50 men in the camp, tortured them to the extent that they became physically disable despite the fact that the charges against them were never proved.

She also expressed concern about conditions back home: "We feel the condition is still not good as clashes between NATO forces and the Taliban have endangered the lives of the people. Villagers were not safe from bombardment," she said.

She proposed that Afghan refugees should be given time and choice to decide whether they wanted to go or not. All facilities should be provided to the returning refugees.

When repatriation process starts, the process of repatriation in trucks is so slow and so uncivilized that women and children suffer the most. The trucks loaded with women and children along with the luggage keep waiting for three to four days.

'A few pregnant women gave birth to children while waiting for the repatriation process to complete. There were no health facilities there," another refugee women told HRCP.

Whether women live or die they have to give birth to children. Some pregnant women waiting with their loaded trucks at the repatriation centre gave birth to children. Authorities are indifferent to the condition of such women, she said.

Refugee women said women were often neglected and their needs were not integrated in the assistance package or planning.

Special and other needs

Refugee women said that they felt safer in camps than Afghanistan, which was still infested with Taliban and foreign forces.

“We can move here freely but it is not possible in Afghanistan's villages where Taliban have control and don't allow women to go to schools and get education,” said Zakira, a young Afghan teacher. “We have been living here for years and have not heard of rape or any other kind of violence against women,” she said.

There are widows and families headed by women that need support and help. A 30 year-old widow with five children is in need of help as there is no one to support the family. Some of her children beg and work to earn their livelihood.

In the past when the international community, especially the Arabs, donated generously, Afghan widows and orphans got financial support but no one is helping them now, refugee women said.

A widow went to Afghanistan but had to return due to poverty. Her children beg in the streets.

There were no vocational training centres in the camp now. They used to be a good source of income for widows and young girls who wanted to support their families.

Nazia, a young Afghan girl, who got training in a vocational centre sews clothes for Rs 50. Women are still not earning much as the people inside the camp are very poor, she said.

Women mostly don't own any property. Usually men deal with the land issues. Many families have no land and are poor, so there are no land issues for most of them.

The refugee women said they have not heard of any case of sexual exploitation or prostitution in the camp. “We do hear of growing openness and prostitution in Afghanistan after the NATO forces occupied it,” said a refugee woman.

They said that reproductive health facilities for women inside the camp were not very good, but in Afghanistan it was even worse.

Registration

Women who are registered said it was useful and gave them a sense of security.

“I am registered and I travel to Peshawar everyday but I have not faced any problem in mobility. I can move freely,” said Shireen.

Refugee families who are unregistered often face difficulties, refugee women told HRCF. They cannot get assistance package and they are vulnerable to harassment at the hands of the police and authorities. Often the women who stay at home are registered but the men who work outside and were not available at the time of registration are not. Many people went to register themselves but could not find their names. They were left unregistered. Many unregistered refugees have dispersed to other places as they fear arrest from the authorities.

To the question that if refugees faced corruption or inequitable representation during registration, several refugee women said yes. Those families who had enlisted their names were deprived of cards as others who had paid money were given priority and issued cards before others. Many such people did not even get their registration cards because they were given to others who assumed their identity.

They said that almost all women who were registered were recognized as a refugee person. Women were not neglected or deprived when it came to documentation.

Assistance package

Refugee women complained that the assistance package, which included monetary assistance to travel to Afghanistan, was not enough. There were other needs like food and other health facilities on the way to Afghanistan.

“The assistance package is also not enough as fares of transportation are high,” said Gulalai.

The refugees also have no home or place of accommodation so initially for few weeks they have to rent a house in Afghanistan. For that they need money. The minimum rent is Rs. 4,000, a refugee woman told HRCP. She proposed that either the money given as assistance package should be increased or food, medicines and other daily-use items should be given to refugees when they start travelling.

Refugee women said that they faced problems at times of getting financial assistance. Especially single women or widows who had no male members to get the assistance package for them often got left behind.

Elderly refugees and children

Children in the camps are the most vulnerable among refugees. A teacher of Ahmed Shah Baba School in the Mohajir bazaar of Jalozai said that around 100 children left school and returned to Afghanistan when repatriation started this year. But only few took with them school leaving certificate because their families were sure that they would not be able to send their children to schools in Afghanistan due to security problems.

Education of children is a huge problem in Afghanistan. First due to Taliban's opposition to girl's education. Then there are problems like lack of teaching staff especially female teachers and quality education. "Girls have problem in continuing their education in Afghanistan," said Rabia, a teacher. 3

In the camps, children live in miserable condition. They live in unhygienic condition and suffer severe malnutrition. Many families are so poor that they cannot afford to buy good vegetables. Children in the refugee camps have little access to health facilities or primary education. They work as scavengers so they face harassment, sexual abuse and violence. Their life is hard in the camp but even worse in Afghanistan.

"Although we have not heard of any case of recruitment of children as soldiers but young boys are kidnapped and used as carriers of bombs for suicide bombings," a refugee women said.

Aging refugee women like the 55-years old Amina don't even want to go back to Afghanistan. Those who have gone have regretted their decision, the refugee women who have elderly relatives in Afghanistan told HRCP.

Elderly people have problem in getting assistance or registration and need help from authorities.

Some elderly people who have no sons, only daughters, have to work as labour or vendors. They live in poverty. Wazir Gul, 65, from Kunar province has three daughters. He works as imam (cleric) at a mosque and they get by on charity.

"There should be an institution to help the elderly," he said.

Recommendations

HRCP recommends:

- Security of Afghans should come before any attempt to repatriate them to Afghanistan where they don't feel safe. Conditions in Afghanistan are far from favourable for refugees to return at the moment

- The post-9/11 security mindset has gravely undermined the well-being of refugees all over the world especially the Afghans. The international community should put mechanisms in place to differentiate vulnerable refugees from armed groups and insurgents instead of treating them as one.
- The international community must ensure respect for the refugee rights while pursuing security concerns. Likewise, armed groups should desist from exposing refugees to danger by using refugee settlements for hiding, training or recruiting purposes.
- The state and aid agencies should facilitate setting up of legal aid centres for refugees in camps and cities to look into cases and charges of terrorism so as to protect genuine refugees from being lumped with armed groups
- The refugees should be provided accurate information about the security and conditions back in their villages and towns before they are asked to consider repatriation
- The Pakistani authorities should stop using force against refugees who do not wish to leave camps for security reasons. Refugees who do not wish to repatriate should be given a choice to relocate to camps close to cities where they have access to facilities like education, health and employment
- The international community should donate generously to the UNHCR repatriation effort and make aid binding to establishment of camps with basic services inside Afghanistan
- Militants and insurgents should desist from attacking schools, students and teachers. Education is non-political and impartial, a basic human right.
- The International and donor community's top priority for Afghanistan should be rebuilding institutions which ensure law and order in the country.
- The focus of development in Afghanistan should be equitable, not just on developing cities but also towns and villages so that rural Afghans should have basic services

- they can go back to
- Pakistan should adhere to international and regional conventions on refugee rights, human rights law and international humanitarian law. Even when Pakistan is not a signatory to the 1951 Geneva conventions, the condition of non-refoulement is a customary law binding on all states.
 - There is a need for understanding the refugee phenomenon for the Pakistani judiciary and law enforcement agencies. International law with special focus on refugees should be taught at law schools and universities and orientation sessions on refugee rights should be held for police and judiciary
 - The Parliamentary Commission for Human should suggest changes in law to include refugee definition and protect refugee from arrest, detention and harassment under the Foreigners Act.
 - Any policies regarding the refugees should be discussed in parliament and should not be cloaked in secrecy. They should be open for debate and analysis.
 - The government and UNHCR should come up with a clear protection policy for the refugee population with special needs.
 - The refugees said that it was safer in the camps than Afghanistan. They ask the governments of Pakistan and Afghanistan to work towards bringing peace so they can return willingly and with dignity.

