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# EXPERIENCES AND PROSPECTS OF DEPORTED AFGHANS

IN THE CONTEXT OF CURRENT  
POLITICAL AND ECONOMIC  
DEVELOPMENTS IN AFGHANISTAN

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# PREFACE – ONE YEAR ON

It has been nearly a year since the last regions of Afghanistan were seized by the Taliban. As much as this day was feared by millions, many hopes were also raised regarding this final takeover. Hopes that a “Taliban 2.0” would somehow be more concerned about their legitimacy and thus more receptive to popular demands, more representative in terms of ethnic and cultural plurality, more interested in international recognition and thus readier to consider international demands and laws, and more concerned about the sheer survival of the Afghan people regarding the ongoing humanitarian catastrophe that has been unfolding for several years. These hopes have been crushed and life in Afghanistan has fundamentally changed for the worse. However, the experiences of deportees in the years leading up to the Government’s collapse in August 2021, as detailed in the following study, in many regards serve as a precursor to the experiences that the country as a whole has had since the Government fell.

## HOPE NO. 1: END TO CIVIL-WAR AND RECONCILIATION

A major hope had been that the Taliban would attempt some kind of reconciliation and actual peace-making in order to secure their power and spare the country from further war-related, partisan violence.

However, not only have the Taliban been unsuccessful in subduing the attacks of the Islamic State Khorasan Province (ISKP) and thus are failing to protect among others the Shia, Sikh and Sufi minorities from even more widespread and frequent attacks.<sup>1</sup> Additionally, there is still a looming threat that the increasing mobilisation of former Government-affiliated war parties in several parts of the country might lead to renewed outbreaks of larger-scale fighting.

Also, the “amnesty”, as it was declared on the 17th of August 2022 and reaffirmed since,<sup>2</sup> has proven to be as void as the amnesty the Taliban declared at their last takeover of Kabul in 1996.<sup>3</sup> While the fighting has largely subsided, the civil-war frontlines thus persist and the war continues - albeit in a one-sided manner - through the well-established civil war means of persecution,<sup>4</sup> which is directed against all those who are perceived to be “enemies”. This group not only entails those who have been actively fighting against the takeover, or politicians and government employees. It also includes those who actively resisted demands by the Taliban in the past. It includes actual or potential critics, such as journalists, human rights and civil society activists, demonstrators, as well as many local elders, religious authorities and jurists.<sup>5</sup> It includes those who are seen to represent a different social and cultural order than that prescribed by the Taliban – they may be modern artists or traditional musicians, academics, people that have or create tattoos, or identify with the LGBTI community, athletes, or anyone working for causes or exhibiting behaviour perceived to be “western” by

1 UN General Assembly Security Council 28.01.2022: 5, UNAMA July 2022: 10ff, Spiegel Online 19.06.2022

2 Cf. Sirat 17.08.2021, Koelbl 08.07.2022

3 Cf. The Irish Times 28.09.1996

HRW documented, that the proclaimed amnesty was even used as a trap: “The Taliban leadership has directed members of surrendering ANSF units to register with them to receive a letter guaranteeing their safety. [...] However, the Taliban have used these screenings to detain and summarily execute or forcibly disappear individuals within days of their registration, leaving their bodies for their relatives or communities to find.” (HRW 30.11.2021)

4 See for instance UNAMA: “Targeted killings by Anti-Government Elements were the third leading cause of civilian casualties, responsible for 14 per cent of all civilian casualties during the first six months of 2021, with similar numbers to those observed during the same period in 2020.” (July 2021: 3)

5 The line between persecution and prosecution is regularly blurred. Commenting on arrests of peaceful demonstrators, Taliban spokesman Sabihullah Mudschahid claimed the right to “imprison dissidents and law-breaker”. (Ruttig 14.02.2022)

the Taliban. As the following study shows, deportees have since long made the experience that even slight deviations in terms of attitude or behaviour were considered “westernised” and persecuted on political grounds – declared to be an “infidel” on grounds of being “westernised” and accused of being a western “spy” in consequence. Being an “infidel” and a “spy” have been and continue to be interchangeable accusations and interlinked grounds of persecution. These allegations and subsequent persecution may also be extended to those deemed to be associated with such “enemies” through current or historical familial, financial or merely friendship ties. The experiences by deportees again preclude how low-scale such an affiliation may be to trigger persecution – having fled to Europe or having European friends or just a message in English on one’s phone thus suffices in order to be labelled a “spy” and “infidel”. These “enemies”, their families and presumed supporters have to fear being arrested, kidnapped, imprisoned, kept in incommunicado detention, exiled, tortured, and even killed, suffering enforced disappearance, watching their daughters being forcibly divorced or married and their sons forced into recruitment.<sup>6</sup> These threats and attacks drive them into hiding, not only dashing their professional careers and aspirations, but also excluding them from a chance to work and thus survive, while simultaneously fearing that their homes may be looted and property confiscated or destroyed.

Just as prior to the takeover, the most powerful tool to gain information on the relevant intimate knowledge about people’s past, as well as their relationships, is to make use of the fact, that this knowledge exists in the social realm anyhow.<sup>7</sup> What has changed, however, is that the Taliban’s effectiveness to gain this information, trace people’s whereabouts and exercise persecution has strengthened by the Taliban’s new position of power. The large amount of data they secured in the wake of the takeover (including biometric systems and employee databases), and the ability to identify and pursue people in broad daylight by conducting door-to-door searches, establishing checkpoints and surveilling critical infrastructure (such as hospitals and banks), as well as the threatening and interrogation of neighbours and relatives allows the Taliban a much tighter and more effective control of the population. This threat is escalated by the persistent practice that supporters and family members are threatened by persecution too, which makes it increasingly difficult to find hiding places for those who are targeted – just as deportees have long had problems finding shelter due to the threat their presence would pose for hosts and landlords. Further, the Taliban leadership seems unable or unwilling to end revenge-seeking by individual Taliban,<sup>8</sup> which adds an additional layer of threat even to those whom the Taliban leadership might want to stay in the country and return to their jobs.

In addition to this personalised persecution there are, again, examples of collective persecution and punishment against members of communities known for their long-lasting resistance – not exclusively, but most prominently the Hazara<sup>9</sup> and the Panjshiri people. Means of this include among others, arbitrary arrests, extrajudicial killings, forced displacement, expropriation of property and land grabbing, and the blockade of

6 Cf. UNAMA July 2022, New York Times 12.04.2022, HRW 30.11.2021 and 07.07.2022, New York Times 12.04.2022. On the practice of exiling opponents cf. Reuter 13.05.2022.

7 Van Bijlert 01.09.2021: “What is clear from detailed reports we have received is that many of the people in hiding are doing so because of specific, targeted, personalised threats. Several have commented on the depth of knowledge and level of detail that the teams searching for them had, often referencing events, relationships and responsibilities that lay years in the past. This seems to suggest that, through a combination of horizontal and vertical ties, the movement, or individuals within the movement, can employ highly localised knowledge across the country.”

8 Ibid: “A senior security official, for instance, told AAN from his home in Kabul: “[...] I don’t know what the leadership will decide. They have not been in touch with me,” he said. “But I fear the ordinary people. So many fighters came to Kabul from all provinces. There are so many personal enmities, after I’ve served as a commander for many years. We all feel the danger, especially those who served in different provinces. We don’t fear the leadership. We fear the ordinary people [the rank and file fighters].”

9 Apart from anti-Shia sentiments among many Taliban, the assurance of no religious persecution and even attendances by Taliban leaders of Shia rituals by high-ranking Taliban does not serve as a proof or guarantee of protection against political persecution. As Kate Clark noted on Twitter (@KateClark66, 17.08.2021): “Happened last time too: Taliban didn’t ban Ashura commemorations, although they were indoor only. Several Taliban attended, including Mawlawi Kabir – then commander of the eastern zone.”

humanitarian help.<sup>10</sup> It also entails harassment at checkpoints and unprovoked interrogations, which in turn pose the further threat of one's past to be uncovered, and exacerbates the threats for women from ethnic, religious or linguistic minorities.<sup>11</sup>

## HOPE NO. 2: RESPECT FOR FUNDAMENTAL RIGHTS, POPULAR DEMANDS AND DIVERSITY

In light of the Taliban's experience of extreme unpopularity during their first rule and their current wish for international recognition, one of the major hopes by the international community towards a renewed nation-wide Taliban regime had been some consideration for fundamental rights, as well as Afghanistan's ethnic, religious and cultural plurality. This has been an unlikely hope all along, given the experience in areas that had been under their control before the fall of Kabul. In these areas human rights organisations documented an increase in restrictions and a disregard for fundamental rights, also those called for at the local level, as soon as the Taliban consolidated their control in an area.<sup>12</sup> The same development can now be seen nationwide with regard to popular demands for fundamental rights and the degree of exclusion of non-Pashtuns and women from positions of power. Instead, the tendency has been to rely on the most loyal, ideologically extreme appointees, "many of whom are on the sanctions list pursuant to Security Council resolution 1988 (2011)".<sup>13</sup>

Although many Afghans had no chance to enjoy fundamental rights under the former Government, it does constitute a fundamental difference in daily life that the Taliban-regime defines itself as a totalitarian regime that actively fights any critical negotiation about such rights and rejects any international "interference" or law in rights-related matters. This includes the denial of any freedom of speech and press. Together with the dissolution of national human rights monitoring institutions and the obstruction of international monitoring this denial obviously also undermines the chance to document violations of rights, abuses of power, persecution, and other kinds of violence - both due to the fear of victims to testify and the practical constraints of journalists and researchers to investigate, document and report. Any quantitative account of victims of abuse is thus marked by an even higher percentage of unreported cases than so far.<sup>14</sup>

The Taliban's rejection and persecution of many traditional cultural practices<sup>15</sup> – even the most popular, such as playing music at weddings and widely popular demands, such as the right of girls and women to work and access education,<sup>16</sup> illustrate how ideological this fight against cultural diversity, as well as fundamental rights is. In sum, not one article of the Universal Declaration of Human Rights (1948) remains protected in practice.

10 Cf. UN-OHCHR 17.01.2022: "We are also extremely disturbed by the reports of extrajudicial killings and forced displacement of ethnic and religious minorities, such as the Hazara, which would suggest deliberate efforts to target, ban, and even eliminate them from the country."

UN General Assembly Security Council (28.01.2022: 8): "reports of forced evictions, mostly of minority groups, facilitated or tolerated by the de facto authorities", Cf. Amnesty International 21.09.2021, CNN 15.09.2021, Reuter/Schröder 06.10.2021, Amnesty International 16.06.2022, UNAMA July 2022:16f, RFE 13.05.2022

11 UN-OHCHR 17.01.2022

12 Cf. HRW 30.06.2020

13 UN General Assembly Security Council 28.01.2022: 2

14 Until recently foreign journalist were able to enter and travel the country relatively freely. But even this guarantee seems to have ended with the recent arrest of Lynne O'Donnell. (Scollon 27.07.2022), Cf. UNAMA July 2022: 3f.

15 Cf. Foschini 17.11.2021, Synovitz 13.10.2021

16 Cf. Kazemi/Clark 31.01.2022



This is most obvious regarding girls and women. As the UN Office of the High Commissioner for Human Rights quoted a group of UN human rights experts regarding the institutionalisation of large scale and systematic gender-based discrimination and violence against women and girls on 17th of January 2022, "Taken together, these policies constitute a collective punishment of women and girls, grounded on gender-based bias and harmful practices [...] We are concerned about the continuous and systematic efforts to exclude women from the social, economic, and political spheres across the country." <sup>17</sup> More restrictions have been introduced since.<sup>18</sup>

But the deprivation of all fundamental human rights obviously also concerns men, who face the additional risk that they are not only held liable for their own conduct but also for that of women they are considered to be responsible for.

In addition, this development further emboldened and dangerously empowered those sections of society that were opposed to universal human rights, which they claim to be "western", all along. It is not new, that this societal opposition to fundamental rights leads to social exclusion and violence against those who claim and defend them – just as many deportees have experienced at the hands of relatives, neighbours and the public prior the Taliban takeover for having enjoyed these rights while in Europe. They now also endanger those who so far had been fairly protected by the relative power of economic success and the support of their immediate social networks.

### HOPE NO. 3: END OF ABUSE OF POWER, ACCESS TO JUSTICE AND REDUCED CRIME RATE

Another hope that was held by many Afghans and international observers was for improved access to justice, less corruption and a reduced crime rate.

While access to justice is out of reach for all those who are targeted by persecution by the Taliban as they would have to identify themselves to the Taliban, it is also hampered by the fact, that hardly any laws have been announced yet, which leaves individual Taliban policemen and judges wide discretion in rule-making, policing and adjudicating. The resulting unpredictability is highly concerning given the lack of training and often extreme religious convictions held by many Taliban. It is even more concerning, as the executive and the judiciary resort to arbitrary arrests, incommunicado detention, excessive use of force, torture, and cruel, inhuman and degrading punishment, including publicly executed corporal punishment and executions.<sup>19</sup>

Any hope for justice is further hampered by the fact that international or sharia-based procedural rules of due process are rarely adhered to,<sup>20</sup> while rumours tend to suffice as proof of guilt by alleged law-breakers. The justice system thus continues to be highly susceptible to manipulation and lacks fundamental protections of due process. This confirms earlier experiences of deportees who were convicted for allegedly having committed crimes according to Sharia provisions during their stay in Europe without the chance to any defence. The announcement to continue the prosecution of Sharia-violating behaviour in Europe after one's

17 UN-OHCHR 17.01.2022

18 Cf. Amnesty International 2022: 16ff

19 UNAMA July 2022, Amnesty International 2022

20 Cf. HRW 29.10.2021, UNAMA July 2022

return is thus highly alarming.<sup>21</sup> In a similar vein, UNAMA' Human Rights Service "has identified numerous incidences of cruel, inhumane and degrading punishments and extrajudicial killings carried out by the de facto authorities against individuals accused of 'moral crimes'."<sup>22</sup>

Where rules exist, they regularly undermine indiscriminate access to justice. A prominent example would be the requirement for women to be accompanied in public by a male relative, which turns any public statement to "protect women" by prosecution of offenders into a farce. In practice, women fear punishment, imprisonment and torture if they flee domestic violence or other forms of abuse<sup>23</sup> and risk being forced into marriage with their abuser, if they dare to report sexual assault.<sup>24</sup> In other cases the proclaimed "protection of women" culminated in forced marriages to Taliban members as a condition for release from arbitrary detention.<sup>25</sup>

Yet another danger lies in the wide-spread practice by the police to extort high sums even from destitute families by holding family members hostage. In order to save one's relatives from this abuse it still matters to know someone who may be able to negotiate a release and it still helps to be rich in order to be able to pay ransom or "bail", as ransoms are often termed.<sup>26</sup> As there are still no effective policies or interest in controlling locally ruling Taliban, complaints to higher ranking Taliban rather pose a risk of additional abuse than a chance to find justice.

Given this degree of dysfunctionality and abuse of power in the realm of justice as well as by the de facto police and armed forces in combination with the ever-increased poverty rate, it is little surprising that the level of criminality has risen in comparison to before August 2021.<sup>27</sup> The lack of protection however also extends to those who are victim of persecution by third parties. Not only do Taliban allow for violence enacted along lines of traditional customary law, they too fail to protect from persecution and revenge-seeking by ISKP and members of criminal gangs – many of whom the Taliban released from prison.

## HOPE NO. 4: CONSIDERATION FOR HUMANITARIAN PLIGHT

Being excluded from any option to find work due to the risk of imprisonment and worse, necessarily escalates the humanitarian risks for those threatened by persecution. Given their depletion of reserves it becomes increasingly difficult to sustain one's living costs, let alone the financial burden of paying for hiding places and ransoms. Deportees have been facing this problem for a long time, given that any employment necessarily goes along with one's identification and thus provokes persecution.

However, while the economic plight of those facing persecution will hardly be a concern to the Taliban leadership, the hope had been that it would recognise its responsibility to do what would be in their power to mitigate the general humanitarian crisis. This crisis is to a large extent the consequence of the decades-long civil war, given the large-scale displacements, the war-related destruction of livelihoods and vital infrastructure, as well as the large number of people killed or permanently disabled. This had been

21 Nau 06.09.2021

22 UNAMA July 2022: 13, cf. Amnesty International 2022: 48ff

23 Amnesty International 2022: 48ff, Cf. ITV 08.05.2022

24 UNAMA July 2022: 17

25 Amnesty International 2022: 54

26 Cf. Amnesty International 2022: 53f

27 UN General Assembly Security Council 28.01.2022: 5, Danish Immigration Service 01.07.2022: 12f

exacerbated by natural disasters such as the severe drought of the recent years, flash floods and earthquakes, which have left much of the rural population unable to cope and forced many to give up their land and become internally displaced persons. While the vast majority of Afghans have thus already been living in extreme poverty since before the takeover by the Taliban, the halt of payment of Government employees, international sanctions, the freezing of the assets of the Afghan Central Bank, lack of cash within the country and weeks-long bank closures, inflation, interruption of remittances and even border closures at the time of harvest have pushed even most of the small but so far fairly affluent middle-class into destitution.<sup>28</sup> Some of this has been beyond the Taliban's control. Their decisions have, however, escalated the existing crisis by effectively excluding much of the educational elite as well as most women from the workforce, banning opium production and trade right before the harvest,<sup>29</sup> high expenditure in army and security personnel, and refusing most basic international demands that would likely allow more humanitarian funds to reach the country. Instead, they "have repeatedly stated their opposition to any conditionality to the aid provided to Afghanistan".<sup>30</sup> As the UN-Secretary General noted on 28th of January 2022, "An entire complex social and economic system is shutting down, in part because of the deficiencies in governance, the suspension of non-humanitarian aid flows and sanctions."<sup>31</sup>

The compounded effect is devastating and while the death toll is rising<sup>32</sup> the international community's financial commitments regarding humanitarian aid have not just been falling short of the demand from the outset, as only half of the needed funds were promised.<sup>33</sup> In effect, the outreach is further diminished by the rise in food and transportation costs triggered by the Russian war against Ukraine. As the ICRC reports, the price of wheat flour has increased by up to 68%, cooking oil by 55%, fertiliser by 107% and diesel by 93% since June 2021.<sup>34</sup>

Chances to find people in the social realm who would be able and willing to support anyone other than their immediate dependents are extremely unlikely in light of the fact 95 per cent of the population do not have enough to eat.<sup>35</sup> What has been termed by António Guterres as the "world's largest humanitarian crisis" not just questions the access to food and water, shelter and protection from Afghanistan's extreme weather conditions, but also to medical support. For many this leaves little scope beyond the most extreme measures of survival – desperate parents selling their children into marriages or into forced labour in the hope they would at least be fed, people selling their organs, families investing their last assets or going into debts to brace for a highly dangerous and likely unsuccessful attempt to flee.<sup>36</sup>

28 Cf. OCHA 11.01.2022, Worldbank 13.04.2022

29 Ruttig 05.04.2022

30 Shapour/Clark 31.03.2022

31 UN General Assembly Security Council 28.01.2022: 12

32 OCHA 11.01.2022: "Afghanistan now has the highest number of people in emergency food insecurity in the world – this is a terrifying 35 per cent increase from the same time last year. More than one in two children under-five is facing acute malnutrition and will be at risk of death if immediate action is not taken." On the consequently dying children cf. Spiegel Online 26.05.2022

33 The aid appeal that the UN launched in January 2022 was the largest ever. (UN News 11.01.2022)

„Bei einer Konferenz, mit der die UNO vorige Woche dafür 4,4 Milliarden Dollar einwerben wollte, kam nach offiziellen Angaben nur die Hälfte davon zusammen. Laut Experten ist nur die Hälfte davon neues Geld.“ (Ruttig 05.04.2022), Cf. Van Bijlert 23.05.2022

34 ICRC 13.07.2022

35 As of April 2022, according to UN estimates (UN News 25.04.2022). Cf. Van Bijlert 23.12.2021

36 Cf. Amnesty International 2022: 56ff



## OUTLOOK

The prospects for people in Afghanistan are extremely bleak – no fundamental rights, the hope for survival for most restricted to highly insufficient humanitarian aid and the daily threat to fall victim to Taliban abuse of power or criminality.

Those who experience persecution coupled with exclusion from the labour market and the loss of social support, widely mirror the experiences of deportees from Europe before the Taliban takeover. Until then these groups exhibited fundamental differences. While many successful journalists, jurists, NGOs workers, army personnel, government employees, athletes, musicians, activists and so on had to flee before the Taliban takeover, many did take on the risk to remain and could do their jobs because they enjoyed relative social and economic security that came with being embedded in a social network that allowed for such a career. The loss of their respective jobs, as well as social and physical security and thus any possible protection against persecution leaves them with the same dangerous choice as deportees - hoping for a visa to European countries or fleeing without. Just as with deportees, chances of getting access to European visas are extremely slim and dependent on the intensive counselling and successful lobbying efforts by European NGOs, the financial means to survive the waiting periods, and considerable resources to procure the necessary identification documents, as well as the visa for neighbouring countries in order to access the respective embassies. And, just as with deportees, the phenomenon can be observed that even some of those who do have realistic chances to access such visas or even admission approvals decide to forgo this chance and flee illegally or without an onwards plan instead, as the risk to remain in Afghanistan is considered too high to allow for any delay in leaving.<sup>37</sup> A difference remains though, as deportees to my knowledge have so far been excluded from access to humanitarian visa in recognition of their persecution.

Many of the phenomena that shape daily life and particularly the circumstances of those facing persecution are not new, as the experiences of deportees prior to the Taliban's final takeover illustrate. However, the increase of the Taliban's power to control everyday life has changed Afghanistan drastically and robbed millions of the sheer ability to hope for any chance to improvement or mere survival.

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37 Cf. Reuter 13.05.2022

# EXPERIENCES AND PROSPECTS OF DEPORTED AFGHANS IN THE CONTEXT OF CURRENT POLITICAL AND ECONOMIC DEVELOPMENTS IN AFGHANISTAN

Author: Friederike Stahlmann (University of Bern)<sup>38</sup>

## SUMMARY

This study documents the whereabouts and experiences of Afghans deported from Germany in respect to their experiences of violence, humanitarian protection and prospects of survival. The information was collected using quantitative and qualitative methods, including 292 semi-structured interviews based on a standardised questionnaire, long-term, weekly contact with deportees and a large number of informal conversations. The survey, concluding at the end of November 2020 covered the experiences of 113 of the total of 908 people who had been deported from Germany between December 2016 and March 2020. An additional, almost three-week research trip to Kabul in March 2020 enabled me to observe the arrival situation at the airport and, besides having personal contact with deportees, to conduct interviews with actors involved in return assistance.

The analysis of deportees' experiences reveals that they, their relatives and supporters in Afghanistan are at risk of violence not only from the Taliban but also from state actors and the social environment, simply because they have been in Europe. The quantitative analysis gives evidence that of those who had been in the country for longer than two months and about whom information was available, over half had experienced violence directed against them or their families because of their stay in Europe. This includes persecution by the Taliban for fleeing to Europe and supposedly "defecting" to their enemies. They are also at risk of persecution from their own families as well as from the public, the Taliban and state actors due to assumed or actual contraventions of norms and offences committed during the period of exile, their "westernisation" caused by their time in exile and their alleged apostasy. They face a further considerable risk of violence by money lenders due to the often still unpaid debts for loans they took out to finance their fleeing to Europe. The assumption that returnees from Europe are considered affluent also increases the risk of criminal assault, including blackmail and demands for protection money, under threat of being betrayed to persecutors. The social exclusion to which they are exposed due to these threats as well as the stigmatisation as "westernised", unsuccessful returnees and supposed criminals also increases the risk of them falling victim to general violence – something that affected over 60 percent of deportees. This includes among other things hostilities, forced recruitment, crime and continuation of persecution experienced prior to one's stay in Europe. All in all, over 90 percent of deportees experienced violence following their return, although most of those whose whereabouts are known could largely protect themselves by hiding thanks to the help of private financial support from German supporters. Further, it is often not possible to document severe experiences of violence as contact breaks off. It needs to be assumed that deportees whose experiences could not be documented because their identity and experiences are unknown due to a lack of help from German supporters, or

38 The author (MA Religious Studies/Marburg, MA International and Comparative Legal Studies/London) has specialized in social, religious and legal issues in Afghanistan since 2002 and has conducted long-term research in Afghanistan as part of her academic work at the Max Planck Institute for Social Anthropology. She is currently an associated researcher at the Institute for Social Anthropology at the University of Bern and works primarily as a country expert on Afghanistan for Austrian and German courts.

because contact was broken off, are affected by violence to an even greater degree. In this regard, convicted criminals are not only particularly threatened by a lack of private support but also with renewed punishment for their crimes.

The analysis of deportees' experiences also reveals that the specific risk of falling victim to violence and far-reaching social exclusion also destroy the hopes of deportees to provide for themselves at a most basic level. Given that extreme poverty had already affected 93 percent of the population before the corona-induced economic downturn, such hopes would still be unrealistic even if deportees were unaffected by this particular form of exclusion. For many deportees, while this exclusion not only increases everyday costs, it also blocks access to medical care, the labour and housing market, as well as to identity documents – representing a vulnerability characteristic in its own right. With one exception, the few deportees who have found employment were unable to cover the most vital expenses with their income. Even temporary partial financing through return assistance, to which only a few returnees have access, cannot change this lack of prospects and protection. Convicted criminals who are already affected by a particular form of social exclusion are generally excluded from return assistance. The main source of financing for everyday expenses for 75 percent of the known deportees was therefore private, voluntary support from abroad. However, even these funds are often insufficient to provide for the most basic needs, as was the case for 13 of the 18 deportees who were temporarily or permanently homeless even though they received financial support from Germany. In particular, such support does not open up any longer-term prospects.

Even the few who receive medium-term support from their families are either planning to leave the country again or are among the almost 69 percent who have already left – be it directly for Germany after applying for a visa or by fleeing again. Currently, only one of the deportees about whom information is available is planning to stay in Afghanistan, around 27 percent are back in Europe and around 41 percent in Iran, Pakistan, Turkey or India. Those who remain are either planning their escape or a return to Germany through the visa application process. Even among those who, through private support from Germany have the funding for humanitarian protection and good prospects of obtaining a visa for Germany, some decide to set out on another life-threatening journey to Europe due to the threat of violence while their visa is being processed. For those who have neither robust social networks in Afghanistan who are willing and able to provide support, nor the prospect of returning by obtaining a visa for Germany, nor the means to flee, usually the only survival strategies that remain open to them are to join the warring parties or criminal gangs.

Given the unconditional withdrawal of international troops, a potential internal peace treaty in Afghanistan will not change the hopelessness of their situation. Not only are further clashes to be expected following the potential conclusion of a treaty; it is also not to be expected that there will be enough investments in the economy to make social security systems likely to recover in the medium term. The crucial factor for the conditions deportees find themselves in is, however, that not even a peace treaty offers the hope of putting a stop to their persecution by the Taliban or the social environment and thus ending life-threatening social exclusion.

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<sup>39</sup> The names of the Afghan representatives of IOM, GIZ/PME and ACE have been replaced by pseudonyms.

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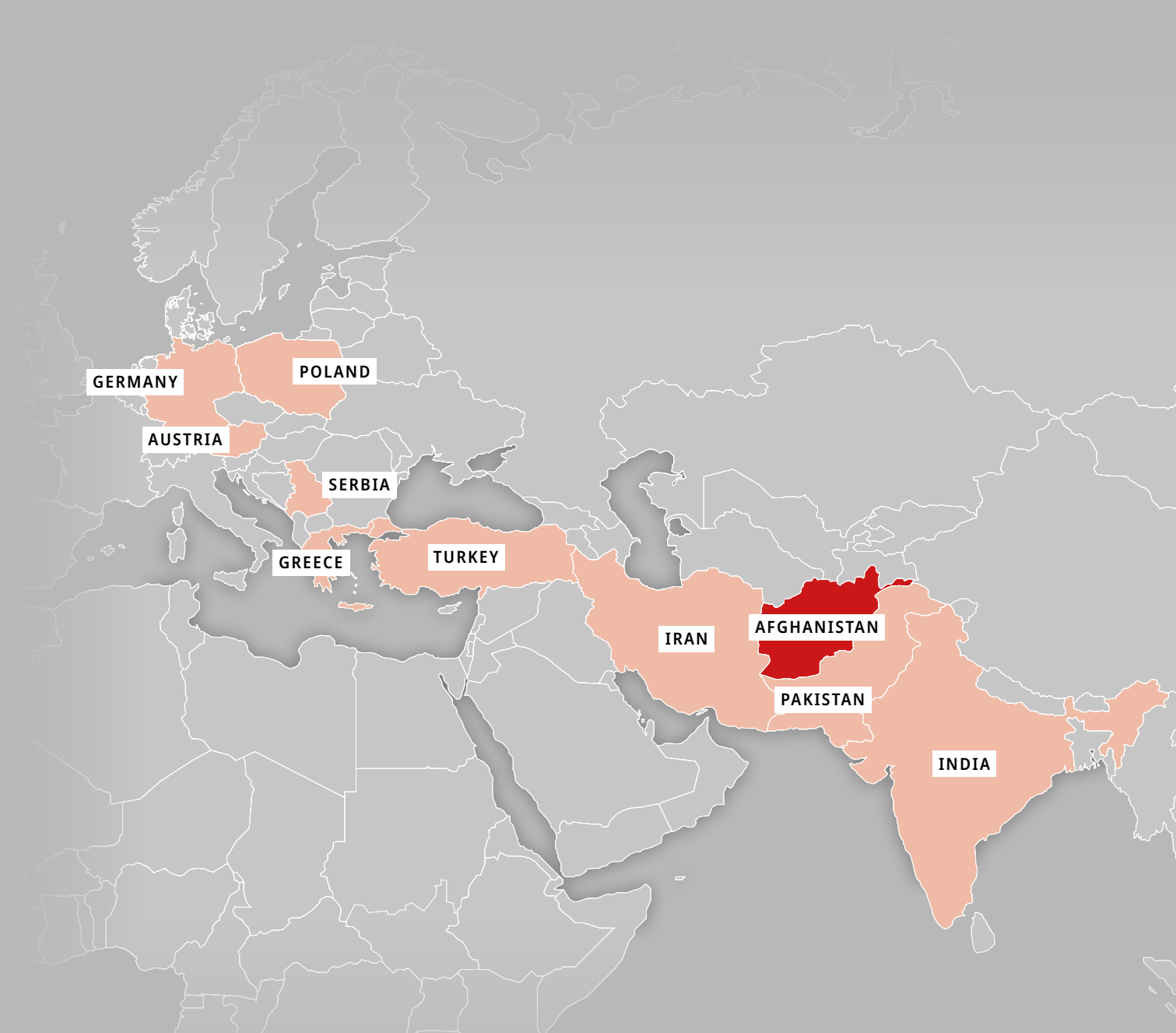
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## LIST OF ABBREVIATIONS

AAN	Afghanistan Analysts Network
ACE	Afghanistan Center for Excellence
AHRDO	Afghanistan Human Rights and Democracy Organization
AFN	afghani (Afghanistan's currency)
AMASO	Afghanistan Migrants Advice & Support Organization
ERRIN	European Return and Reintegration Network
GIZ/PME	Deutsche Gesellschaft für Internationale Zusammenarbeit/Programm "Migration für Entwicklung" (Program for Migration and Development)
IDP	internally displaced person
IOM	International Organization for Migration
IPSO	International Psychosocial Organisation
MSF	Médecins Sans Frontières
MoRR	Ministry of Refugees and Repatriation
SIGAR	Special Inspector General for Afghanistan Reconstruction
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNAMA	United Nations Assistance Mission in Afghanistan
UNHCR	United Nations High Commissioner for Refugees



Countries in which Afghans, who were deported from Germany between December 2016 and March 2020, are currently staying (as of November 2020)

# I INTRODUCTION

## 1. AIM

Like many other European countries, Germany has been regularly carrying out deportations to Afghanistan since December 2016.<sup>40</sup> The question of what this means for affected individuals shapes debates on domestic and development policy as well as asylum claims and adjudication. A large number of well-founded, comprehensive analyses exist on the daily challenges and threats faced by the Afghan population which also allow conclusions to be drawn about deportees' expected experiences. However, such conclusions are limited in that they cannot provide any information on whether deportees from Europe find themselves in a special situation due to their stay in Europe and what the consequences of that are. In general surveys, such as those carried out on issues of humanitarian assistance or experiences of violence, deportees from Europe do not feature as a separate group because they are too few in number to be statistically significant in relation to the overall population. Previous analyses and individual cases have documented that being a deportee from Europe is a security risk in its own right and impacts negatively on deportees' prospects of being able to provide for themselves financially.<sup>41</sup> However, the likelihood of deportees being affected by violence and destitution according to the assessment standards under German asylum law remained partly unanswered. This study aims to bridge this gap as far as possible against the background of current developments and, in doing so, do justice, both methodologically and substantively, to the assessment standards established in German case law regarding asylum claims.<sup>42</sup> Since this study relates to deportees from Germany only, it is limited to the experiences of adult men. Substantively, this results in a focus on three areas of interest: first, experiences of violence and the question of how the status of being a deportee affects the risk of falling victim to violence; second, questions about humanitarian protection, which include the prospects of receiving support through social networks, access to general humanitarian and return assistance, and questions about how deportees cover their expenses, how they find accommodation and what experiences they have when they need medical care. The third area of interest is what prospects deportees see for themselves and whether, given the current peace negotiations, there are indications that political or economic changes in the country could improve deportees' prospects.

40 These monthly deportations were halted between May and July 2017 and between April 2020 and November 2020.

41 Selection: AHRDO 2019, Amnesty International 28.08.2019, Asylos August 2017, Doherty 09.10.2014, Echavez et al. December 2014, Gladwell 2013, Gladwell/Elwyn/ UNHCR 2012, Oeppen/Majidi July 2015, Majidi/Hart 2016, Refugee Support Network April 2016, Schuster 08.11.2016, Schuster/Majidi 2013 and 2015

42 Such assessment standards and criteria are not interpreted uniformly by courts, which is why a discussion of relevant matters cannot claim to be exhaustive. However, insofar as standards and criteria are named in judgments, nationally divergent tendencies regarding the standards and criteria of review are evident in the application of European laws. (Cf. ECRE 12.03.2021, UNHCR July 2011)

## 2. METHODOLOGY

It is highly challenging to document the deportees' experiences qualitatively as well as quantitatively. Such research requires a methodological approach that allows for the identification of deportees and access to them – based on trust and in a manner that minimises the inherent risks to them – over as long a period as possible in the various countries where they are currently staying as well as assessing possible response biases and whether the results can be generalised.

### 2.1 Identification and access

Methodological hurdles include the difficulty in identifying deportees and in gaining access to information about their experiences following deportation. Identification is essential as information on deportees can only be used in the quantitative documentation if it is guaranteed that they are not listed twice. It was therefore often not possible to consider anonymous accounts, such as in journalistic reports, as deportees could not be identified. However, from a number of earlier qualitative analyses, documented individual cases and from the exploratory qualitative phase of this study, it is known that having returned to Afghanistan as a deportee from Europe is a security risk in its own right.<sup>43</sup> Publicly searching for deportees on social media or contacting them directly without prior permission would therefore endanger the deportees and their families or supporters in Afghanistan. Therefore, the only ethically justifiable way to gain access to deportees was to seek out contact persons of theirs via support groups and at public events who could report on the deportees' experiences and ask the deportees for their consent to be contacted directly. In addition, I asked lawyers in Germany and Greece, the Afghan NGO AMASO (Afghanistan Migrants Advice and Support Organisation) which advises returnees in Kabul as well as deportees with whom contact already existed for their support in arranging contact with others and documenting their experiences.

An analysis of deportees' experiences inevitably requires contact following deportation. Furthermore, a certain length of time is needed to document the question of whether and how it is possible to live in Afghanistan following deportation and what the accompanying risks are – something that becomes all the more meaningful if deportees can be questioned several times over a longish period. For example, just because someone has not yet received the funds requested from the ERRIN programme to support his return after six months does not mean that these funds will never be granted. And the fact that someone fled to Iran immediately after deportation does not mean that he will not be deported back to Afghanistan from Iran and still undergo experiences there that are relevant to this study. In particular, due to the small number of deportees who remain in the country and the high level of break-offs in contact, the long duration of this survey was important to be able to understand developments and changes in deportees' lives through regular enquiries.<sup>44</sup>

43 S. chapter II

44 Data collected at an earlier stage was published in Stahlmann 2019.

In addition to identifying the deportees and the possibility of contacting them following deportation, establishing the necessary trust is a key hurdle in documenting experiences. Information about security risks and experiences of violence, the family's reaction to the deportee's return and personal plans for the future are deeply personal, and it is highly risky for the deportees and their families if such information falls into the wrong hands. Providing this information knowing that there is no financial or strategic advantage to participating in the research is a significant hurdle and requires immense trust that sensitive information will be handled appropriately. Again, the establishment of contact through trusted contact-persons was a great advantage.

I also chose this approach, which is based on existing personal relationships, to take account of the phenomenon that many deportees leave Afghanistan immediately or soon after their arrival.<sup>45</sup> A study conducted in Afghanistan alone would therefore have excluded the experiences of all those who could not or did not want to stay in the country. Relying on personal relationships instead of local access allows those deportees' experiences to at least not be systematically excluded. While it was occasionally possible to establish contact with deportees through lawyers in Greece, it is almost impossible to rely on NGOs as intermediaries in Iran, Pakistan and Turkey due to the illegal status of most Afghan refugees.

By the end of the survey period at the end of November 2020 I was able to document the experiences of 113 of the 908<sup>46</sup> individuals who had been deported from Germany to Afghanistan between December 2016 and March 2020 and who, according to the latest information, were staying in Afghanistan, Iran, Pakistan, India, Turkey, Greece, Serbia, Poland, Austria and Germany.

## 2.2 Data collection

Quantitative studies necessarily build upon qualitative data and analyses. Without these it would not be possible to live up to the ethical responsibility of such research and to avoid posing additional risks to the individuals concerned by taking suitable precautions when collecting the data and employing appropriate anonymising techniques.<sup>47</sup> Nor would it have been possible to develop the standardised questionnaire on which this survey is based, and which I have been using systematically since September 2018,<sup>48</sup> without prior qualitative analyses. Designing a questionnaire requires a basic understanding of the range of possible experiences of violence and security risks as well as strategies of survival. In particular, information on phenomena that deportees perceive as so commonplace that they do not consider them worth mentioning would otherwise be missed. This is all the more significant because deportees' perception of threats or problems often deviates from, for example, assessment standards under German asylum law which are the benchmark for the quantitative analysis. For several of the people I spoke to, being physically injured by a terrorist attack was initially not worth mentioning – and could only be documented by enquiring – given the

45 Cf. CMI 2016: 75, Gladwell September 2013: 63, Majidi/Hart 2016: 37, Refugee Support Network April 2016: 51, Schuster/Majidi 2013 and 2015. A study from 2009 - under much better economic conditions and with a much lower level of violence - already came to the conclusion that 74 per cent of returnees from Great Britain planned to leave the country again, with the proportion of deportees at 80 per cent being slightly higher than that of voluntary returnees at 68 per cent. (Majidi November 2017: 17)

46 In order to be able to discuss the effects of the agreements between the Afghan and German governments regarding the health requirements for deportations, the two deportees whose admission was refused by the Afghan government upon arrival in Kabul and who were flown back immediately were also taken into account. Since the survey is limited to Afghans, one of the deportees who is not Afghan and was therefore brought back to Germany on a later flight is not included here. In total, this is therefore one more case than those who entered Afghanistan and are usually referred to. (Cf. Ruttig 12.03.2020)

47 All names of deportees mentioned in this study are therefore pseudonyms. For the protection of the persons concerned, no details are given in the description of experiences that would allow identification.

48 S. Annex II

suffering that these attacks meant for other victims. The development of the questionnaire was therefore preceded by a one-year phase of exploratory interviews with lawyers, NGOs such as AMASO, deportees and private supporters of deportees as well as selected deportees with whom I was in close contact.

Qualitative analyses are also essential in order to capture the context behind deportees' circumstances and decisions. For example, the question of how families decide whether to take in or support their deported relatives requires an understanding of these families' motives. Likewise, the considerations that lead to a decision to flee again cannot be documented in a quantified manner alone. Last but not least, the discussion of the generalisability of the results in respect to those deportees whose experiences could not be documented also relies on embedding the quantitative results in qualitative analyses.

When I found out about a contact person of a deportee, following preliminary information about the aim of the study and safety precautions, I usually asked this person to complete the questionnaire and to clarify whether it would be possible to get into contact with the deportee personally. Based either on the questionnaire or the information provided in it, I conducted semi-structured interviews with 292 deportees and contact persons of deportees. I also held regular informal follow-up interviews with deportees and, if necessary, their contact persons where I inquired about new experiences and developments. Added to this were many informal conversations as well as the long-term monitoring of four selected deportees and the supporter of another deportee, whom I contacted on average once a week, in order to be able to analyse their experiences and decision-making processes in-depth. To obtain information that builds on existing analyses on the differences and similarities in return experiences between deportees and in formal regards voluntary returnees, I also interviewed six voluntary returnees as well as relatives, friends and supporters of another eight voluntary returnees. I conducted the interviews and informal discussions in person or by telephone, via Skype, Telegram, Signal or WhatsApp in German, English or Dari.<sup>49</sup>

Regular interviews are no replacement for participant observation, but this is unjustifiable due to the risk posed by having contact with me as a foreigner.<sup>50</sup> A research stay of almost three weeks in Kabul in March 2020 was nevertheless very helpful. The direct contact with representatives of organisations involved in return assistance and management, such as the Afghan Ministry of Refugees (MoRR), IOM, GIZ, IPSO and ACE, made it easier to investigate apparent contradictions between the statements of different organisations, and also between reports given by deportees and representatives of the organisations. The personal opportunity to observe the arrival of deportees on the 33rd deportation flight on 12 March 2020 and have one-to-one discussions with the deportees was also very important to gain a detailed and more nuanced picture.

49 In order not to allow any identification through language competence, all quotes were translated by me into English without mentioning the interview language.

50 S. chapter II



### 2.3 Response bias

Quantitative and qualitative surveys can be limited in their usefulness due to “response biases” in the respondents’ self-reports. Quantitative surveys typically rely on self-reporting, and situations of war and persecution impose considerable limitations on the verifiability of information. But self-interest and the relationship between contact persons and deportees can also influence the responses. Deportees are often more likely to share bad experiences with their best friend than with their worried host mother or an unknown researcher. It can make a difference whether they talk to compatriots or to Germans and naturally whether they hope for support from the contact person. In order to assess such potential response biases, I tried to obtain information about a deportee from different contacts in as many cases as possible and to achieve the greatest possible social diversity among the informants.

### 2.4 Generalisability of results

Nevertheless, the form of access has consequences for the generalisability of the results. This includes the fact that in many cases security incidents and forms of destitution cannot be documented because they lead to a break-off of contact. In addition, the contact persons in this survey are usually friends and relatives in Germany who are committed to the deportees’ survival. They therefore not only try to provide humanitarian protection to deportees but also try to arrange and often finance hiding places to provide the best possible protection for them against threats. However, it cannot be assumed that all deportees receive such support. The less social support deportees had in Germany and the less they were connected to advisory structures, the lower the probability was that this monitoring study could document their whereabouts. This also applies to convicted criminals who have been deported from prison. I, therefore, only have information on one such deportee. It thus can be assumed that those who could be covered by this survey benefit more than average from the support of social networks abroad. Since generalisability limitations depend on the respective subject matter, these are discussed in detail in each case following the presentation of the results.

In the following analysis, the results of the study are embedded in general thematic introductions and analyses with reference to the three main sets of questions relating to the deportees’ security risks,<sup>51</sup> their ability to provide for themselves and future prospects.

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51 In order to prevent the so-called question order bias and to avoid involuntarily directing the focus on security issues in the other question complexes, the questions about experiences of violence were placed at the end of the questionnaire as well as in the semi-structured interviews. However, since the threat situation is important for the discussion of settlement and labour market opportunities, the discussion is placed here at the beginning.



Security precautions in Kabul city centre, 2020.  
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## II SECURITY RISKS

### SUMMARY

Afghanistan has come out on top in various international rankings of violence for several years. For example, the Global Peace Index lists Afghanistan as the most dangerous country in the world in 2020, as it did in 2019.<sup>52</sup> As in 2018 and 2019, in 2020 Afghanistan was the country with the most reported fatalities from political violence worldwide.<sup>53</sup> OCHA projects that the number of war victims requiring hospital treatment will rise to 310,500 in 2021.<sup>54</sup> The International Committee of the Red Cross continues to rank Afghanistan as the world's most dangerous country for civilians.<sup>55</sup>

However, deportees' experiences of violence are not limited to acts of war. If the experiences of violence described by deportees are evaluated according to their causes, they can be divided into three danger complexes: First, dangers posed by hostilities; second, the persecution of perceived enemies in war and the coercion by warring parties to cooperate; and third, the consequences of the failure of the rule of law, which include not only a lack of protection from violence legitimised by customary law, but also the far-reaching impunity of relatively powerful actors or parties to a conflict.

Given the lack of comparative quantitative research, the extent to which deportees from Europe are more or less affected by violence compared to the population as a whole or specific social groups, such as returnees from neighbouring countries or internally displaced persons, can only be assessed qualitatively. This qualitative analysis along known risk-enhancing factors illustrates that not only those who did not grow up in Afghanistan and who lack the necessary experience to avoid security threats or mitigate their consequences have a higher risk of suffering violence. Those who do not have the support of social networks in Afghanistan are also at particular risk. This exclusion applies to deportees for several reasons: First, they are usually subject to stigmatisation due to the deportation itself; second, they face persecution from their own families as well as from the public, the Taliban and state actors due to assumed or actual norm-breaking during their time in exile and "westernisation" associated with this time. Even if these breaches of norms are not imputed, deportees are at risk of persecution by the Taliban because of their fleeing to Europe and this alleged "defecting" to the Taliban's enemies. Since such persecution is also directed against families and supporters of deportees, even sympathetic families cannot offer protection to deportees without endangering themselves.

Of the 63 deportees included in the quantitative evaluation of experiences of violence because they had been in the country for more than two months, over 90 percent experienced violence upon return, and over 50 percent experienced violence against them or their families because of their stay in Europe. However, there is also evidence in the response behaviour that suggests that experiences of violence are "underreported", that is, concealed or downplayed. Moreover, severe experiences of violence often could not be documented as the contact had been broken off.

In addition, it must be assumed that those deportees whose experiences could not be documented are

52 IEP 2020 and 2021

53 ACLED 2020: 20, ACLED 2021: 8, Groeneveld 13.12.2018

54 OCHA December 2020: 30

55 Rahimi 11.11.2020

affected by violence to an even greater extent. These include, in particular, convicted criminals who are not only threatened with renewed sanctions for their crimes, but are also less likely to enjoy private support from Germany. Thus, those whose identities are known and with whom contact is possible after deportation can benefit disproportionately from private support from Germany. This support offers better access to security-related information as well as the protection possible through financial support. As a result, 49 of the 63 deportees were mostly able to find shelter in paid hiding places.

## INTRODUCTION: GENERAL DEVELOPMENT OF THE SECURITY SITUATION

For more than four decades, war has cast its shadow over everyday life in Afghanistan and repeatedly shattered hopes for improvement. This included the expectation that after the fall of the Taliban in 2001, a civilian order would be established that would not only end hostilities and abuses of power, but also effectively defend fundamental human rights.<sup>56</sup> However, investment in such a civil order was systematically thwarted by prioritising short-term military objectives over keeping those in power under control. This was made possible not only by a far-reaching general amnesty for war criminals, but also by the rearmament of former civil war parties and local militias and tolerating the misuse of civilian resources and institutions by those in power.<sup>57</sup>

The consequences of this development include an inability to enforce basic rule-of-law principles, and a lack of interest in doing so. Instead, it has led to a continued dependence of the civilian population on the goodwill of corrupt and violent actors - whether for access to resources for their livelihood or for protection against attacks by those in power.<sup>58</sup> In the Economist's Democracy Index, Afghanistan is classified as an "authoritarian regime" because of its systematic disregard for democratic freedoms.<sup>59</sup> The population's dependence on illegitimate rulers and their abuse of power also undermine the capacity of local communities to exert social control in order to enforce norms that would serve to protect the most vulnerable.<sup>60</sup> Moreover, these developments have further exacerbated ethnic and partisan lines of conflict, making those who, as local minorities, are not represented by the respective power-holding elite all the more vulnerable.<sup>61</sup>

This development has in no small part given the Taliban the opportunity to legitimise their claim to govern, sometimes successfully, through offers such as establishing their own judiciary.<sup>62</sup> It has long been foreseeable that the attempt to win the "war on terror" by military means, against the Taliban in particular, was destined to fail.

This is also due to the difficulties in repelling attacks and other tactics of asymmetric warfare employed by the Taliban and IS. The Taliban's military clout and ability to capture and defend territories have also gradually increased,<sup>63</sup> although the power of the Taliban also lies in the fact that they can effectively control the population even before they capture territories militarily. On the one hand, this control is based on

56 Cf. UN Security Council 05.12.2001

57 Discussed in detail in Stahlmann 28.03.2018: 76ff. On the connection between enrichment through international funds and the associated empowerment of military and democratically non-legitimised powerholders, see AREU January 2016, Bhatia et al./AREU June 2004, Clark May 2020, Gossman/Kouvo June 2013, Hewad 08.10.2012, HRW November 2002, September 2011 and 03.03.2015

58 Ibid.

59 The Economist 02.02.2021

60 Cf. Stahlmann 2017

61 Examples in: Clark 21.09.2017, Hewad 08.10.2012, HRW 03.03.2015, Najafizada 26.10.2011, Sahar 31.03.2016

62 Cf. BBC News 08.06.2017, Jackson 2018: 19f., Mackenzie/Razmal 03.12.2017, Maley 04.03.2020, Saifullah 15.03.2017, Walsh 14.04.2021, Weigand 07.08.2017

63 Stahlmann 28.03.2018: 14ff.

the establishment of a parallel government that enables actions normally performed by the state such as collecting taxes;<sup>64</sup> on the other, it is made possible through an effective nationwide system of surveillance and persecution.<sup>65</sup>

Aside from the ability to mobilise resources within the country,<sup>66</sup> the Taliban, like the other warring parties and terrorist groups, have continued to benefit from the desire of neighbouring countries and other actors engaged in the region to secure relative influence in the country and to harm their respective enemies' allies by supporting certain civil war parties.<sup>67</sup>

These developments are causing everyday dangers posed by acts of war across the country, including open hostilities and attacks as well as forced recruitment and the persecution and abuse of perceived enemies in the war. These developments also threaten the civilian population by undermining the rule of law, leading to uncontrolled violence by those in power and the social environment as well as high levels of crime.

In this regard, the absolute number of victims cannot be determined.<sup>68</sup> Taking into account a large number of quantitative and qualitative indicators, the Global Peace Index ranks Afghanistan as the most dangerous country in the world in 2020, as it did in 2019.<sup>69</sup> A 2017 study by Save the Children can also provide an indication of the scale of violence, according to which 38 percent of all Afghan children stated that they had lost a relative to violence in the past year.<sup>70</sup> Given the increase in all forms of violence since then, it can be assumed that this percentage is now significantly higher.

## 1. DANGERS POSED BY HOSTILITIES

The sobering consequence of the developments in this renewed civil war is that fighting is to be expected in all provinces and in all locations of Afghanistan. As in 2018 and 2019, in 2020 Afghanistan was the country with the most reported fatalities from political violence worldwide, citing the war between the Afghan military and the Taliban as the main cause.<sup>71</sup> In 2019, these were more than in Syria and Yemen combined. The International Committee of the Red Cross also continues to rank Afghanistan as the most dangerous country for civilians worldwide.<sup>72</sup> Due to the warring parties' reluctance to provide information,<sup>73</sup> the difficulties in distinguishing between civilians and combatants, and problems in accessing victims, it is only possible to document victims to a very limited extent – and particularly in regards to casualties among adult men marked by underreporting.<sup>74</sup>

64 Cf. Jackson 2018

65 Giustozzi 23.08.2017b

66 Cf. Jackson/ODI 2018, Domínguez 21.01.2016, DuPee 10.03.2017, Walsh 05.12.2010

67 Cf. Azami 12.01.2017, Liuhto 03.05.2016, Osman 27.05.2016, Stahlmann 28.03.2018: 60ff.

68 Stahlmann 28.03.2018: 176ff.

69 IEP 2020 and 2021

70 Ashrafi 29.08.2017

71 Groeneveld 13.12.2018, ACLED 2020: 20, ACLED 2021: 8.

72 Rahimi 11.11.2020

73 According to SIGAR, the classified information currently includes, among other things, 'enemy-initiated attacks'. (SIGAR 30.01.2021: 48)

74 Stahlmann 28.03.2018: 176ff.



While reports by UNAMA do not document the absolute number of victims due to UNAMA's methodological rigor in verifying them,<sup>75</sup> they do reflect the combat strategies in use. As such, they are helpful in documenting the shifts in the forms of warfare among the warring parties – be it airstrikes, ground engagements, IEDs, suicide attacks or targeted killings. They are also sometimes helpful to assess the consequences of political developments. For example, in the six months since the peace negotiations began in September 2020, the number of victims has risen by 38 percent compared to the same period the previous year.<sup>76</sup>

Although the regional focus areas of hostilities may shift, the fact that such hostilities are to be expected nationwide is also due to the strategic flexibility inherent in these diverse combat strategies. Even in the city of Bamyan, which is characterised as peaceful, a recent attack left at least 17 dead and 50 injured.<sup>77</sup> The reports by UNAMA also illustrate systematic attacks on civilians and civilian institutions that are especially protected under international humanitarian law such as schools, health facilities as well as mosques; even aid workers and deminers are exposed to regular attacks.<sup>78</sup>

Protecting against the associated dangers to life and limb is not possible due to the attacks that can be expected throughout the country and the combat strategies used by the warring parties such as air strikes or suicide attacks.<sup>79</sup> For example, on individual days, Taliban attacks are recorded simultaneously in up to 28 of the 34 provinces, including Kabul, Herat and Balkh, with a recent significant increase in attacks in Kabul in particular.<sup>80</sup> Between the signing of the US-Taliban withdrawal agreement on 29 February 2020 and November 2020, the Taliban have attacked at least 50 district centres.<sup>81</sup> Susanne Koelbl reports on 8 May 2021 142 attacks by the Taliban in a single night.<sup>82</sup> Even in Kabul, rocket attacks are to be expected.<sup>83</sup> Indeed, three of the four deportees who were so seriously injured through hostilities that they required emergency treatment were staying in Kabul or near Mazar-e Sharif; a further six deportees suffered ear blast injuries in attacks in Kabul.

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MAJID O.: "I got caught up in fighting between the Taliban and the security forces. I got injured and fell unconscious, but I was lucky. Someone took me to a hospital where I received several stitches to my head. But since then, the headache hasn't gone away and I always feel dizzy."

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The number of trauma-cases requiring hospital treatment is constantly on the rise: in 2017 it was 21 percent higher than in 2016, in 2018 it was 24 percent higher than in 2017, and in 2019 there was a further increase of 28 percent.<sup>84</sup> While the expectation for 2020 was that 250,000 Afghans will require emergency medical treatment as a result of the continued conflict, OCHA expects that this number will rise to 310,500 cases in 2021.<sup>85</sup>

75 For example, UNAMA requires for the listing of civilian casualties that the event is confirmed by three different and independent sources. (UNAMA February 2021a: 8f.) For further restrictions in the documentation of war victims, see Stahlmann 28.03.2018: 177ff.

76 UNAMA April 2021: 1

77 Rahimi 25.11.2020

78 UNAMA (n.d.), cf. Al Jazeera 17.06.2020, Insecurity Insight 21.05.2020, MSF 2014 and 2020, OCHA December 2020: 15, Ruttig 09.05.2021, USDOS 30.03.2021, Watchlist on Children and Armed Conflict 2017

79 Cf. Constable 25.10.2020, HRW 08.05.2018

80 Cf. Maley 28.12.2020, Nikzad 30.10.2020, SIGAR 30.01.2021: 50f, Hadid/Qazizai 18.12.2020

81 Ghubar 20.11.2020

82 Koelbl 08.05.2021

83 TOLONews 21.11.2020, UNAMA February 2021a

84 OCHA December 2017: 5, OCHA December 2018: 9, OCHA December 2019: 61

85 OCHA December 2019: 62 OCHA December 2020: 30



However, few are fortunate enough to receive such treatment: a study by Human Rights Watch found that only a third of those injured in the war received medical care.<sup>86</sup> The proportion of those receiving needed medical treatment continues to decline as more health facilities are forced to close due to attacks. Continued attacks on hospitals, patients, pharmacies, first aiders and ambulances as well as the kidnapping of medical staff also turn those into victims of war who no longer have access to medical care due to closures.<sup>87</sup> For example, in 2019 alone 192 health facilities were forced to close due to attacks and only 34 were able to reopen.<sup>88</sup> In 2018, 16 percent of families refrained from visiting medical facilities for safety reasons,<sup>89</sup> while 8 million people suffer from limited access to health care due to the closure of critical health facilities resulting from attacks in 2019 and 2020 alone.<sup>90</sup>

Another indicator of the extent and intensity of the hostilities is the number of war-related internally displaced persons. Since 2012, around 3.3 million people from 33 of the 34 provinces have been registered as internally displaced persons due to the war.<sup>91</sup> Again, it is not to be expected that the actual number of people concerned can be documented.<sup>92</sup> However, the available figures are significant because it has long been observed that while internal displacement protects neither against hostilities nor renewed displacement, it does increase the risk of acute and lasting destitution immensely.<sup>93</sup> In addition to the loss of livelihoods due to displacement, hostilities also destroy livelihoods and vital resources. Homes, businesses and offices are affected, as are hospitals and schools, roads and the electricity infrastructure<sup>94</sup>. For example, the office of an NGO in Mazar-e Sharif, where a deportee had found short-term employment, was attacked by the Taliban. Another deportee escaped injury only because he happened to be away from home when his accommodation in Kabul was badly damaged in an attack. People affected by such destruction or displacement are not included, for example, in UNAMA's count of civilian victims because they were not injured themselves. However, the direct consequences of the destruction are often life-threatening too.

Those suffering most from the consequences of hostilities are those who do not have the financial means and the support of social networks to mitigate the consequences – be it help in the case of injury, support in escaping acute hostilities, temporary accommodation with relatives or acquaintances at the place of refuge or financial means to make destroyed homes habitable again.

86 HRW 07.10.2019

87 Examples in: Al Jazeera 17.06.2020, Insecurity Insight 21.05.2020, MSF 2014 and 2020, UNAMA 23.02.2016 and June 2020, Watchlist on Children and Armed Conflict 2017

88 WHO 29.12.2019

89 OCHA December 2018: 9

90 OCHA December 2019: 62, OCHA 17.03.2021: 38

91 OCHA 21.03.2021

92 Stahlmann 28.03.2018: 185ff.

93 Cf. IDMC/Samuel Hall/NRC December 2017, OCHA December 2020, Stahlmann 28.03.2018: 204ff.

94 Cf. Omid 10.05.2020

## 2. PERSECUTION OF PERCEIVED ENEMIES IN THE WAR

Another danger arises from the warring parties' treatment of perceived enemies. This includes the treatment of prisoners of war, which is repeatedly a focus of critical reporting on Afghanistan. Ample evidence exists that both the Taliban and IS, as well as government forces and international forces, are involved in torture, kidnapping and extrajudicial killings of perceived enemies.<sup>95</sup> This danger on the part of the government is particularly acute for those deportees who were categorised as "potential Islamist terrorists" by the German authorities, who assumed that they might commit religiously-motivated political crimes<sup>96</sup> in the future. One problem with this categorisation is that the concerned individuals often do not know themselves that or why they have been classified as potential terrorists. There is also conflicting information about what information is provided for the Afghan side in the event of deportations.<sup>97</sup> Between November 2019 and March 2020 I interviewed an employee of the Afghan Ministry of Refugees, an Afghan lawyer in Kabul, and a public prosecutor who had fled, as part of research into the risk of a criminal's return. According to them, information on criminal offences and security allegations against deportees will probably be known, since the monitoring and surveillance of potentially dangerous individuals are the primary tasks of the intelligence services. Since, as the lawyer further stressed, it is known that criminals and those referred to as potential terrorists are also being deported, he would assume that deportees will be specifically monitored by the Afghan authorities and in particular by the intelligence services. It is unknown whether and, if so, to what extent the Afghan embassies are interested in monitoring Afghan criminals and potential terrorists abroad. However, since the names of those to be deported are announced to the Afghan government in advance,<sup>98</sup> the effort required for performing such a background-check is manageable. In at least one case, a deportee who had been classified as such a "potential terrorist" in Germany was arrested upon entry and subsequently mistreated in custody. According to his testimony, he was released thanks to the influence of powerful acquaintances, bribery, his tolerance of physical abuse and his portrayal of the German judiciary as "Islamophobic". "I knew that if anything went wrong, I'd be dead," he said.

In everyday life, however, many more are at risk of being persecuted and attacked as enemies in the war than those who are perceived to be enemy combatants or terrorists. A key reason for this is the unwillingness by the warring parties as well as social communities to respect a desire for civilian status, especially with regard to men who are capable of fighting.

This gives rise to social expectations, especially in respect to men, to play an active part in defending the local community if need be. One deportee who returned to his home region reported that the local community forced him to go into the surrounding mountains every other night and fight against the Taliban.

95 Examples: AIHRC 2016, BBC News 27.11.2020, Gossman/Kuovo June 2013: 9ff., Qaane/Clark 17.11.2016, UN News 26.05.2019, UNAMA February 2021a and February 2021b, UNHCR August 2018: 23ff., USDOS 30.03.2021

96 The classification as a "potential terrorist" is also found with other political references (cf. Bundeszentrale für politische Bildung 13.01.2020). However, as far as I know, the known cases of deported Afghans who have been classified as potential terrorists are exclusively persons who were believed to have an Islamist-motivated propensity for violence.

97 According to information provided by the German Federal Government in April 2017, details of crimes or the identity of offenders are not communicated to the Kabul government (s. Bundesministerium des Inneren 20.04.2017). In the course of the deportation flight on 06.12.2017, a spokeswoman for the Ministry of the Interior told dpa "that the Afghan 'side is aware that criminals, potential terrorists (and) those who refuse to cooperate [in clarifying their identity] are being returned'. In addition, 'the names of the persons concerned are transmitted'." (Zeit Online 06.12.2017)

98 Bundesministerium des Inneren 20.04.2017

Without a state mandate, this amounts to illegitimate forced recruitment which, according to his statement, he could not avoid because otherwise he would not have been tolerated in his local community.<sup>99</sup> According to him, there were families who could pay for their sons' exemption from this duty. But he did not have the money and he also had to specifically prove himself in the eyes of the local community as he was accused anyway of having betrayed his duty to defend his country by fleeing to Europe. Several times deportees were also beaten up by villagers accusing them of betrayal because they had fled the country. In two cases, even the fact that they came from locally powerful families did not protect them. In their opinion, this was also intended to deter them from fleeing in the future. Sometimes, security forces at the airport even questioned the deportees' Afghan nationality, because Afghans could be expected to defend their homeland instead of seeking safety abroad. This also reflects the line taken by President Ghani.<sup>100</sup> When I asked the young man, who is now being forced to fight, whether he could, for instance, go to Kabul, he replied that he would also be found there and that he would have no chance of survival whatsoever.

Bending to this social pressure to join local militias in the fight against the Taliban inevitably turns those concerned into enemies of the Taliban and thus into targets of persecution. However, this persecution by the Taliban is not limited to fighting men or civilian government employees.<sup>101</sup> Rather, everyone is threatened if they are suspected of being connected to perceived enemies of the Taliban or of opposing the Taliban. In this line of thinking, contact and cooperation with foreigners is also considered an act of defection "to the enemy".<sup>102</sup> A religious lifestyle and the observance of ritual and everyday commandments offer no protection against being accused of "associating with the enemy".<sup>103</sup> News recently made the headlines that even a young boy had been shot dead for bringing fruit and tea to Afghan soldiers.<sup>104</sup>

Deportees from Europe are also accused of associating with the "enemy occupiers" due to their fleeing to Europe. This is what distinguishes fleeing to Europe from the tolerated labour migration to Iran or Pakistan. According to the deportees' accounts, the Taliban accuse those who risk their lives over and over again to seek protection with the "enemy occupiers" of having defected to the enemy. The most common accusation of the Taliban against the deportees in relation to their stay in Europe in the written death sentences I have seen is that of espionage.<sup>105</sup> However, deportees report that they were also accused of betraying their beliefs and of apostasy for having lived there.

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"[...] Since you [...], son of [...], live abroad and married a German woman there, you and your brother [...] will be hunted with bullets. Because you are spying for the foreigners, the Islamic Emirate will not show you any mercy. [...]"

**DEATH SENTENCE AGAINST A DEPORTEE SERVED ON HIS FAMILY BY THE TALIBAN**

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99 Cf. Diakonia Lebanon IHL May 2019

100 AHRDO 2019: 17f.

101 The fact that government employees are also explicitly classified as enemies in the war has not changed in the wake of the peace negotiations. (Cf. Constable 25.10.2020, UNAMA February 2021a: 13 and February 2021c)

102 As Kate Clark analysed, the Taliban draw the line between combatants (who may lawfully be killed) and civilians between those who are against them and those who are with them. (June 2011: 21). Cf. Clark June 2011: 9 and 21, Constable 25.10.2020, Gopal/van Linschoten 2017: 36, Gossman/HRW 18.05.2015, Giustozzi 23.08.2017b: 11f, Immigration and Refugee Board of Canada 10.02.2015, Peterson 18.11.2015, Stahlmann 28.03.2018: 39f., Tagesschau 18.04.2021, UNAMA February 2021a: 13, USDOS 30.03.2021

103 For instance, Gopal/van Linschoten list examples of local authority figures who were executed for being members of government-sanctioned district councils or only having met with government officials, despite being acknowledged as pious men and some even committed to the Taliban (Gopal/van Linschoten 2017: 37).

104 Shaheed 07.10.2020

105 The accusation of espionage is also used in other instances of suspected disloyalty or lack of cooperation to impose harsh or even deadly punishments. (Cf. Ali 15.12.2014, Clark June 2011: 17, Coghlan 2009: 142, Giustozzi/Franco/Bacz 2012: 33, Immigration and Refugee Board of Canada 22.02.2016) On the intensification of the Taliban's "hunt for spies" s. Giustozzi 23.08.2017b: 19f., Jackson 2018: 21

Four deportees who were arrested and mistreated by the Taliban following their return were also accused of apostasy and espionage “for the Germans” during their interrogations. Three of these four were only released because elders and relatives negotiated with the Taliban, paid bribes and vouched for their future good behaviour. The fourth was lucky that he had an acquaintance among the Taliban who allowed him to escape. Hence, from the Taliban’s point of view, the fact of having been in Europe is sufficient reason for persecution.<sup>106</sup> In all of these cases, the Taliban knew not only that deportees had been in Europe but also where they had lived there. Usually, they seem to gain this information by means of social control. The fact that a person has migrated and stayed in Europe cannot be concealed from their own social environment in the long term, nor is it possible to settle in a new place in Afghanistan without revealing one’s identity and background. Due to the conflict situation, there is great distrust of strangers. Anyone staying in an unfamiliar place has to expect that enquiries will be made at the place of origin, which means that it will also become known at the current place of refuge that deportees have been in Europe, and it will become known at the place of origin where the individuals concerned are staying currently.<sup>107</sup>

By making such inquiries, potential landlords and employers of deportees also aim to protect themselves from the risk of being persecuted. This is because the persecution of deportees, like persecution by the Taliban and private actors in general,<sup>108</sup> poses a threat both to the families and other supporters of those targeted.<sup>109</sup> From a strategic point of view, this serves to enforce claims all the more effectively and deter undesirable behaviour. According to Abdul Ghafoor, the NGO AMASO has also been threatened several times by the Taliban because of its support for returnees from Europe. AMASO was thus forced to relocate its office and tries to keep its address as secret as possible.<sup>110</sup> The Taliban also threatened the families of ten deportees with murder following the deportees’ return if the families did not hand them over. In the case of six of them, the only accusation was that they had been in Europe.<sup>111</sup> The families usually tried to defend themselves by saying that they did not know where the deportees were or that they had already left the country again. Nevertheless, three families had to flee. In another case, the mother of the deportee was mistreated, and contact with another family was cut off after the death threats that followed the deportee’s return.

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KHALIL S.: “My family was fine until I came back. They were threatened because of me, now they are missing. I can’t sleep. I’m always wondering if they’re still alive, and thinking that it’s all my fault.”

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The Taliban’s interest in persecution also gives rise to the risk of blackmail.<sup>112</sup> For example, one deportee who was staying in Kabul was threatened by a former neighbour in his place of origin: unless he signed over his inherited house to his neighbours without payment, they would denounce him to the Taliban. Another family was blackmailed on threat of the deportee’s return being revealed to the Taliban if they failed to pay up. This threat is exacerbated by the fact that informants can expect to be paid by the Taliban for information.<sup>113</sup>

106 Cf. Doherty 09.10.2014, Echavez et al. December 2014: 29, Ghafoor 15.10.2017, Maley 04.03.2020, Refugee Support Network April 2016: 28f., Schuster 08.11.2016, UNHCR 2018: 46

107 Detailed in Stahlmann 28.03.2018: 48ff

108 On the threat for family members as part of customary retaliation s. Stahlmann 2017 and 28.03.2018: 137f

109 Cf. Ehl 26.05.2019, Immigration and Refugee Board of Canada 15.02.2016 and 22.02.2016, Giustozzi 23.08.2017b: 13, HRW 30.06.2020, Koelbl 18.08.2017, Refugee Support Network April 2016: 20, Tanha/IWPR 27.01.2017, UNAMA February 2021a: 13

110 Cf. Lobenstein 27.11.2019

111 Abdul Ghafoor documented the example of another deportee who was visited by his brother immediately after his arrival in Kabul, who forbade him to come home for fear of the Taliban. (Ghafoor 15.10.2017)

112 The Refugee Support Network documented the experience of a young returnee who was stopped and threatened in Jalalabad: “Some people became suspicious of me and arrested me. They threatened to hand me over to the Taliban and kill me.” (Refugee Support Network April 2016: 26)

113 Giustozzi 23.08.2017b

Occasionally, deportees are given the chance to “change their minds” and join the Taliban after all.<sup>114</sup> Two deportees were subjected to recruitment attempts and then fled again. Three deportees are suspected of having joined the Taliban: while one announced he had joined the Taliban and said goodbye to his friends, the other two are suspected of doing so based only on hearsay, their whereabouts in Taliban-controlled areas, family association with the Taliban, the lack of any other source of income, or photos. One of the deportees said in an interview about the Taliban’s call to fight for them: “I don’t support them, but resistance is futile. Saying no is simply not an option.” Returnees are also being targeted by the Taliban because they are believed to have acquired knowledge and skills in the West that are useful to the Taliban – be it in espionage or simply to address the skills shortage in areas they control.<sup>115</sup>

Refusal to cooperate with the Taliban in turn leads to indefinite, nationwide persecution.<sup>116</sup> This was the experience of eight deportees who had escaped forced recruitment by migrating and who continued to be threatened by the Taliban after their deportation. The fact that they had not only refused to be recruited, but fled to Europe, was seen by the Taliban as a renewed confirmation of their hostile sentiments and their status as enemies. Two other deportees were again persecuted on account of allegations against their relatives: one because his father, who had since been murdered, was in the army, and a second because his brother had worked for the security forces.

As documented in detail by Antonio Giustozzi, since 2010 the Taliban’s intelligence structures for nationwide surveillance and persecution have been significantly professionalised. The Taliban can therefore not only rely on everyday mechanisms of social control to persecute enemies but also on the infiltration of urban neighbourhoods, an established informant system that also includes national security forces and the offer to reward informants.<sup>117</sup> One deportee, who had fled to Europe from his brother-in-law’s attempt to recruit him to the Taliban, was a victim of such an act of infiltration. The friend who hid him in Kabul following his deportation was then arrested by police officers – apparently on behalf of the Taliban – and questioned about the returnee’s whereabouts. Within days of deportees returning, several families of deportees who live in provinces far from Kabul were threatened by the Taliban to reveal the deportees’ whereabouts or hand them in. The deportation came to light even though the deportees had been hiding successfully in Kabul until that point, suggesting that there are Taliban informants either in the airport police, the MoRR or in the diplomatic missions.<sup>118</sup>

Experiences at checkpoints also illustrate that even traveling overland poses a risk of being identified.<sup>119</sup> At Taliban checkpoints, for example, the deportees’ smartphones and luggage were regularly checked for suspicious objects – be it the “wrong” SIM card,<sup>120</sup> images or documents.<sup>121</sup> On the way from Kabul to his home region, one deportee was dragged out of the car and taken away because the Taliban had found documents

114 On the Taliban’s interest in „defectors“ cf. Osman/AAN Team 14.04.2016, Giustozzi 23.08.2017b: 13, Stahlmann 28.03.2018: 56ff.

115 Stahlmann 28.03.2018: 311, cf. Schuster 08.11.2016: 4

116 Immigration and Refugee Board of Canada 15.02.2016. That this longevity is also officially part of the threat is shown by the fact that there are still 3,000 people declared as enemies and convicted under their first rule on the wanted list. (Giustozzi 23.08.2017b: 17) Cf. Report on the murder of a deportee after 16 years in exile in Bulman 15.09.2018.

117 Cf. Giustozzi 23.08.2017b, Immigration and Refugee Board of Canada 15.02.2016, ProAsyl 01.06.2017

118 According to their own information, Taliban have informants in the border police at Kabul airport as well as at the border crossings. (Giustozzi 23.08.2017b: 14).

119 Cf. Giustozzi 23.08.2017a and b, Lobenstein 27.11.2019

120 For example, the use of sim cards from the state-operated mobile phone provider Salaam is considered a punishable oppositional act. (Cf. Hedayatullah 04.09.2019, HRW 30.06.2020, Jackson 2018: 23, UNAMA 17.10.2019: 7)

121 For the difficulties arising from the control of smartphones, see the following account: “Residents in Taleban areas are supposed to have pro-Taleban songs on their smart phones (not connected to the internet), as well as religious scholars’ speeches on Jihad in case their phones were checked. . . . However, if people’s devices are checked by government forces and they carry pro-Taleban songs, they are perceived to be Taleban fighters and risk being arrested. In Dasht-e Archi, locals are forced to adjust their lives according to this doubly-coercive system. All in all, it is safer not to have a smart phone.” (Smith April 2020:17)

from Germany and German telephone numbers on his mobile phone. He only managed to escape because the Taliban subsequently encountered soldiers and threw him out of the car. Other suspect characteristics include a supposedly western appearance and clothing. For these reasons, two deportees were arrested at a checkpoint on suspicion of working for the “infidels” as their beards were not yet fully regrown. One of them was mistreated for several hours and the other for two days.<sup>122</sup> This is an increasing threat as the Taliban have expanded control of the roads because of the withdrawal agreement with the USA.<sup>123</sup>

Their perceived enemies also include local or ethnic groups whom the Taliban believe would be violently opposed to their taking over. The most prominent example are the predominantly Shia Hazaras who face attacks in everyday life and on major roads. They are facing religious persecution by IS, which regularly attacks the Shia community and only recently announced an increase in such attacks again,<sup>124</sup> as well as political persecution despite the Taliban leadership’s promise not to persecute the Hazaras based on ethnic or religious affiliation<sup>125</sup> – unlike IS. The assessment by the Taliban, on which this persecution is based, that Hazaras reject the Taliban’s claim to power seems quite realistic.<sup>126</sup> This rejection by the Hazaras is not only due to the fact that many fighters and commanders who have been indoctrinated into anti-Shia beliefs are still active among the Taliban’s ranks, nor is it due solely to the experience of genocide at the hands of the Taliban; it is exacerbated by the fact that fighting between the Taliban and Hazaras continues in many areas and has led to widespread displacement, and the fact that civilians are also being persecuted as political opponents.<sup>127</sup> Andrew Watkins of the International Crisis Group describes the increasing power of the Taliban within Kabul as an alarming development for minorities.<sup>128</sup> Deported Hazaras have witnessed fellow passengers being taken from cars and murdered or abducted. One of the respondents was himself beaten up and abandoned in such a situation.

122 Cf. Doherty 09.10.2014, Giustozzi 23.08.2017a and b, Maley 15.10.2014, Pro Asyl01.06.2017, Refugee Support Network April 2016: 30

123 Quilty 12.10.2020

124 Cf. Maley 04.03.2020, Ruttig 09.05.2021, Stahlmann 28.03.2018: 327ff., UNHCR August 2018: 93f., USDOS 10.06.2020

125 Cf. Osman 19.10.2016

126 Cf. Hadid/Qazizai 18.12.2020

127 Cf. Maley 04.03.2020, Stahlmann 28.03.2018: 327ff., USDOS 30.03.2021

128 Hadid/Qazizai 18.12.2020, cf. USDOS 30.03.2021



### 3. LACK OF RULE OF LAW

Efforts to enforce human rights in Afghanistan also come up against legal limits if, from the point of view of the legislature and the judiciary, they contradict the principles of Sharia law.<sup>129</sup> This continues to affect particularly freedom of religion, freedom of the press, persecution on grounds of sexual orientation and gender-based discrimination.<sup>130</sup>

Moreover, state actors have no opportunity to exercise effective control in many parts of the country. This applies not only to areas that are officially under the control of the Taliban but also to many other areas in which the safety situation prevents state actors from moving freely and safely enough to enforce laws and judgments.<sup>131</sup>

But even where the police, public prosecutor's offices and courts are present and civil life is not challenged by widespread hostilities, systematic malpractices characterise the legal realm. The analysis of the deportees' experiences highlights two problematic areas. One is the toleration by state actors of the violent enforcement of customary norms by non-state actors. Instead of offering protection to deportees, norms of customary law are sometimes even applied by state actors, thereby denying deportees fundamental guarantees of a fair trial. The other is the inability and reluctance to call more powerful perpetrators to account.

#### 3.1 Violence legitimised by customary law

In many regards, violence legitimised by customary law shapes the actions of state actors. This includes the fact that even in state courts rumours are sometimes sufficient to "prove" acts such as apostasy<sup>132</sup> or extramarital sex, and acts are punished that are not even crimes under state law.<sup>133</sup> The more acute threat, however, is that vigilante justice by the transgressor's own family as legitimised by customary law is tolerated by state actors and expected by the social environment.<sup>134</sup>

This includes punishing a lack of respect for hierarchically senior family members.<sup>135</sup> Deportees report that this occurs in various scenarios such as when the expectations of senior family members are not met to fight for warring parties, to enter into an arranged marriage or to put themselves in the service of the family. For example, three deportees who had dissolved their engagements in exile were threatened with death not only by the families of their former fiancées but also by their own families. And a further two were threatened with death by the families of the women they married in Germany because they had disregarded the authority of their fathers-in-law in their decision to marry.

129 Cf. Stahlmann 28.03.2018: 90ff.

130 Ibid., cf. EASO December 2017, UNHCR August 2018, USDOS 10.06.2020 and 30.03.2021

131 Cf. Stahlmann 28.03.2018: 14ff. and 134f.

132 E.g. the conviction of Zaman Ahmadi as an apostate did not meet the criteria of Sharia or state law. (see Kabul Now 11.03.2020) Experience shows that accused apostates often do not find a defence lawyer and are not protected from ill-treatment in pre-trial detention, which also puts those who are only suspected of being apostates in acute danger, even if they do not fulfil the formal legal conditions for this. (Cf. EASO December 2017: 23ff., UNHCR August 2018: 64)

133 Cf. HRW 28.03.2012, Kouvo 06.04.2012, UNHCR August 2018: 68ff., USDOS 30.03.2021

134 Cf. EASO December 2017, USDOS 30.03.2021

135 Cf. USDOS 30.03.2021, Stahlmann 28.03.2018: 136ff.

But sometimes, the relatives even see the deportation itself as a disappointment to their expectations. Consequently, deportees often experience stigmatisation, social exclusion and violence from their families due to the widespread belief that they brought their deportation upon themselves because of criminal behaviour, thus depriving the family of humanitarian protection, social status and protection from violence.<sup>136</sup>

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**GHULAM R.:** "My family doesn't believe me that I'm innocent. They think I did something bad in Europe. They've now got no money to buy food. They think it's my fault. When I visited them, they hit me and said I can't come back."

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This threat is even more acute if there is a suspicion of customarily inappropriate behaviour during the time in Europe. In this regard too, it is seen as first the duty of the family to sanction such acts. Families must take this duty seriously because the mere rumour of having disregarded local norms can cause considerable harm to the reputation of the alleged perpetrator's family, which can only be mitigated by punishment of the act. As two Afghan lawyers pointed out to me, the expectation in severe cases would therefore be that the father cast the first stone – even in the case of a death sentence imposed by traditional authorities.<sup>137</sup> In punishing serious harm to a person's reputation, such as a suspicion of homosexual acts, extramarital intercourse or apostasy, the killing of the accused is also considered appropriate under customary law.<sup>138</sup>

If the family is not prepared to punish alleged transgression of local norms themselves, they risk being suspected of complicity and then punished themselves. Such punishments might range from exclusion from their social networks to persecution by the local community. If the family can no longer get hold of the alleged perpetrator, the only way to distance themselves is to formally disown the individual and break off contact. But even that does not guarantee that the social environment will believe that the alleged perpetrator has really been disowned and that there is no longer any contact. One refugee told me that the local council of elders sentenced his father to death and also murdered him because he was unable to sanction a serious breach of norms by a family member; the elders did not believe that he was no longer in contact with that family member. The rest of the family had to flee to Pakistan. I asked an Afghan judge who had fled the country about how a family typically responds to rumours of a son's homosexual acts. She also described it as a common occurrence for the entire family to flee, even if they have already disowned the son. "The problem for the family is that the reputational harm remains."<sup>139</sup> In the absence of the family, the greatest threat is posed by landlords, neighbours and strangers who then consider it their right to punish the "culprit" themselves. While there is usually a social interest in preventing state investigations to protect the perpetrators of this persecution while avoiding causing harm to the family's and neighbourhood's reputation from additional publicity, there is often a lack of interest also on the part of the state in prosecuting the persecutors.<sup>140</sup>

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**NEMATULLAH B.:** "Our landlord said I'm now a Christian and drove us out. But I'm not a Christian. I pray every day and I fast. My parents know that. But because he said that, my whole family had to flee. If what he says is believed, it's dangerous for everyone."

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136 Cf. Amnesty International 28.08.2019, EASO September 2020: 5, Gladwell/Elwyn/UNHCR 2012: 27, Refugee Support Network April 2016: 23, Sadat 07.02.2017, Schuster/Majidi 2013: 12

137 These were a judge and a lawyer with many years of professional experience in Afghanistan. I conducted the interviews on condition of anonymity as part of the research on the risks of return of a convicted criminal between November 2019 and March 2020.

138 Cf. EASO December 2017, HRW 28.03.2012, Luccaro/Gaston 2014, Mahendru 03.03.2017, NIC 02.04.2021, The Washington Post 14.06.2016

139 Telephone-interview on 12.07.2020.

140 Cf. UNHCR August 2018: 69ff., USDOS 30.03.2021

In some circumstances the Afghan criminal code even provides for the mitigation of sentences by recognising “defamation of honour” as a mitigating circumstance.<sup>141</sup> Therefore, despite the risk of mistreatment in state prisons, it is often safer for victims of persecution to be in prison than to risk being exposed to persecution by families or neighbours.<sup>142</sup> As Afghan jurists,<sup>143</sup> whom I interviewed in the course of researching the risk of a criminal’s return, pointed out, this persecution is to be expected even following release since the interest in punishing defamation is independent of criminal prosecution by the state.<sup>144</sup> The same danger therefore looms for misdemeanours or crimes that have already been punished as a criminal offence in Europe.

To have lived in Europe and to have been deported, however, represents a risk in its own right in this context regardless of possible criminal offences in Europe.<sup>145</sup> This is because deportees are generally suspected of having violated Afghan social norms during their stay in Europe. This is often based on the assumption that particularly young men lived an extravagant life in Europe free from rules, enjoying these freedoms outside the control of their families. Specifically, this includes the assumptions that deportees had extramarital relationships, drank alcohol, ate pork and neglected religious duties. These assumptions usually summarised in the accusation of them having betrayed their faith or become an infidel (kafir) or “westernised” (gharb-zadeh).<sup>146</sup> Deportees are also accused of having converted to Christianity, even in completely unfounded cases.

Such allegations are often based solely on prejudices about everyday life in Europe. This is clearly illustrated by the 20 described assaults by strangers in public who accused the victims of being kafir solely on having identified them as returnees from Europe. Media reports or unsuitable clothing are not the only ways to identify an individual as a returnee; so too is a change in behaviour typical of Afghans in European exile, which deportees often cannot change spontaneously. This includes emotional expression, eye contact, posture, gestures and everyday social interaction. Even linguistic expressions and the typical adoption of European loanwords in Dari among Afghans in exile are obvious characteristics of this “westernisation”.<sup>147</sup> If deportees are no longer familiar with religious rites due to a lack of practice or have distanced themselves from them, the risk increases further still. One deportee had to flee from his roommates when they noticed that he had not prayed.

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ZIA W.:

“I haven’t prayed in Europe for a long time, and I don’t want to pray. Once I could stay with some students. They noticed in the evening that I hadn’t prayed yet. I then tried to talk my way out of it by saying I would pray later. But someone got up, pulled a knife and said either you pray now or you’re dead. I then pretended to go and wash for prayer and fled.”

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141 S. Afghan Penal Code 2017, Art. 398

142 Cf. Stahlmann 28.03.2018, USDOS 30.03.2021

143 These are a public prosecutor, two judges as well as three lawyers, two of whom work for MR organisations. The lawyers had all worked in Kabul, Herat or Mazar-e Sharif or had worked there before fleeing. However, they all insisted that I could not give any clues about their identity and explicitly not about their place of origin, residence or place of work in Afghanistan. I conducted three of the interviews in Kabul in March 2020 and three in Germany between July and December 2019.

144 Cf. HRW 28.03.2012

145 This is in contrast to successful Afghans in exile who visit. These are usually offered protection because they are able to provide for their families not only in humanitarian matters but also in regards to their social status (e.g. by financing marriages), and take on a bridging function to Europe by, for example, establishing marriage relationships, providing financial guarantees for visas, financing the escape of those under threat, or contributing to the economic security of the local community through trade relations or aid projects. (Cf. Schuster/Majidi 2015: 6ff.)

146 Cf. Amnesty International 28.08.2019, Asylos August 2017, EASO September 2020, Gladwell/Elwyn/UNHCR 2012, Oeppen/Majidi July 2015, Refugee Support Network April 2016, Schuster/Majidi 2013 and 2015, UNHCR August 2018: 46

147 Cf. Asylos August 2017: 37f., Schuster/Majidi 2013 and 2015

But even less conspicuous “misconduct” can result in a risk from the social environment: one deportee reported that he was repeatedly beaten up by neighbours and his father. His explanation: “They noticed I was different.” The neighbours of one deportee shot through the window at night after he had been identified as a “German”. Another reported that a doctor refused to take care of his wound because he made the mistake of telling them that he had received the wound in Germany.

In this regard too, rumours and images about everyday life in exile that are shared on social media are often seen as evidence of the contravention of norms. The accounts given by deportees make it clear how closely meshed social control and the transfer of information work across national borders as well as how great the interest is within Afghanistan in the Afghan exiles. Even behaviour that the deportees try to hide, even in Europe, such as drug use or being given sanctuary in a church, must be assumed to be known in Afghanistan. When asked how people in Afghanistan could know about migrants’ behaviour in Europe, a lawyer in Afghanistan explained: “People definitely check social media. If you are living in Germany you are being controlled, you are being monitored by your friends, by your circle, your parents.” Abdul Ghafoor (AMASO) also confirms frequent reports from deportees that information from social media has become known, resulting in reprisals and persecution. “Everything on social media becomes public. No matter who puts it online, or which account name is used.” This is unavoidable because one cannot control what others post on social media. For example, one deportee was abused and chased away by his father because a friend in Germany had published pictures on Facebook and Instagram in which he could be seen. And the Taliban are not the only ones to punish relationships with non-Afghans; neighbours of the deported husband of a German woman beat him up twice after they learned of the marriage. And, again, such relationships also pose a danger to families and supporters of the “culprit”. For example, families of two deportees were driven from their hometowns after it emerged that the deportees had become engaged to Germans. According to its director Abdul Ghafoor, the NGO AMASO was also seriously threatened not only by the Taliban but also by the neighbourhood, forcing it to relocate several times because it advises returnees from Europe.

The Taliban also assert the right to punish transgressive behaviour, which likewise puts families or supporters at risk of being persecuted as alleged supporters.<sup>148</sup> One deportee was beaten up and chased away by the landlord of his hiding place in Kabul after he learned that he was in contact with German journalists. The landlord feared that this contact would put himself in danger. The Taliban, too, use social media for surveillance.<sup>149</sup> In one instance, a deportee’s family had to flee because of a Facebook link to an article from a German regional newspaper. The article reported that the deportee had helped with cleaning the garden of a church, which the Taliban considered as evidence of his supposed conversion.<sup>150</sup> A few days after his arrival in Kabul his family was threatened with violence and ordered to hand him over for his punishment; they were forced to flee.

148 Cf. BBC News 08.06.2017, Clark June 2011, Giustozzi/Franco/Baczk 2012, Mackenzie/Razmal 03.12.2017, Saifullah 15.03.2017, UNAMA February 2021a, USDOS 10.06.2020 and 30.03.2021, Walsh/CNN 14.04.2021, Weigand 07.08.2017

149 Cf. Immigration and Refugee Board of Canada 15.02.2016

150 It is typical that even in Taliban courts rumours suffice as evidence for convictions. For further examples cf.: Clark June 2011: 9 and 16f., Nordland/Sukhanyar/New York Times 07.05.2016, USDOS 10.06.2020

The deportees' reports also include one exception to such a threat in the social environment. For example, one man was taken in by his aunt who works for a human rights organisation. She is therefore one of those who are accused of "infidelity" in everyday life herself and,<sup>151</sup> at the same time, has an unusually detailed understanding of the life in Europe.

### 3.2 Powerlessness and corruption in the criminal prosecution system

The lack of rule of law is not only evident in the denial of state protection to victims of violence legitimised by customary law; it is also reflected in the fact that perpetrators of widely recognised crimes do not have to fear prosecution if they are more powerful than their victims. This is also due to the powerlessness of the judiciary towards powerful actors. But due to the endemic corruption, also the relatively more powerful parties to a conflict are largely protected from criminal prosecution too.<sup>152</sup>

Symptomatic of this of apparent failure of the Afghan judiciary is the failure to hold members of the executive branch and military actors accountable for offences. Consequently, the presence of the police in public poses a threat to the population – with homeless deportees reporting almost daily abuse and assaults at the hands of the police. This abuse of power also includes the widespread sexual abuse of boys and young men but also organised crime associated with warring parties such as land grabbing, the kidnapping industry or drug trafficking.<sup>153</sup> There is also a fear of being beaten or even murdered if a traveller is unable to pay the required "tolls" at government checkpoints on major roads.<sup>154</sup>

This abuse of power is also reflected in the violent private enrichment of the security forces. For example, the family of one deportee summoned him back to his hometown to help defend the family home from attacks by a police commander who wanted to enforce a marriage to his sister and had already murdered the deportee's brother.

The consequences of endemic corruption combined with extensive militarisation also include an escalating level of gang-like and increasingly brutal crime, at least in the cities.<sup>155</sup> Unlike just a few years ago, deportees and their non-deported friends in cities such as Kabul, Herat and Mazar-e Sharif hardly found it worth mentioning in conversations with me that they had been robbed, often only telling me about it when I enquired. Instead, concerns about being critically injured in the course of a robbery now dominate conversations.

151 Cf. Koelbl 29.03.2021, UNAMA February 2021c, UNHCR August 2018

152 Cf. Clark/Qaane 21.05.2015, Hewad 08.10.2012, HRW 03.03.2015, Stahlmann 28.02.2018: 134ff., USDOS 30.03.2021: "[...] the judiciary continued to be underfunded, understaffed, inadequately trained, largely ineffective, and subject to threats, bias, political influence, and pervasive corruption."

153 Cf. APPRO April 2016, Bjelica 11.07.2017, Clark 09.06.2017, Foschini 11.02.2020, Maaß 2010, UNHCR August 2018: 23, Walsh 05.12.2010

154 Shaheed 24.03.2021

155 Foschini 11.02.2020 and 21.02.2020, cf. Ansar 10.02.2018, Samuel Hall 2016, USDOS 30.03.2021

Indeed, accounts given of 12 of the 47 criminal assaults on deportees resulted in such serious bodily harm that the individuals required hospital treatment. In principle, while violent robbery is not a new phenomenon, but interviewees perceive incidents such as the storming of a school by a criminal gang to rob students<sup>156</sup> as adding a new dimension to the violence.

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REZA K.: "I was on my way home from the ACE when two armed men attacked me. I gave them my money straight away. But it wasn't much, and I didn't have a mobile phone with me either, so they beat me up. It still hurts to breathe and walk. But I was lucky; many are murdered after being robbed."

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Impunity is now widespread in everyday social life. Even employees of the hotel, where IOM used to be book rooms for deportees for up to two weeks upon arrival, until the offer was withdrawn in April 2019, were accused of being involved in rape.<sup>157</sup> For example, deportees told me of three individuals who had been staying there and who were offered work by the employees – with the result that they were taken to private parties, forced to dance for the guests and subsequently raped. Another example of the typical abuse of power in private life is attacks on legitimate heirs who may have an interest in reclaiming stolen land and avenging murdered relatives. Two deportees told me that they had to hide in Kabul so that their return would not be known in their home regions to prevent them falling victim to such "preventive" violence. In another case, the family of a deportee's cousin arranged for him to be beaten to prevent him from claiming his father's home which they benefited from financially through renting it out. The deportee did not have any such intention, but the fact that he had the right to do so was sufficient justification for the assault. There is also the threat of criminal violence because of debts to finance the initial migration.<sup>158</sup> For example, four deportees were tracked down and threatened by lenders. One was ultimately able to buy his way out with the help of private supporters in Germany, one was able to negotiate an extension with guarantors from Germany and two fled immediately. Violence associated with crime also includes the experience of one deportee who initially found employment with an acquaintance but who was then beaten up and chased away when he asked for his wages. His explanation was that his employer knew that there was nobody to defend him because he had been deported.

These incidents fit the general observation that criminal assault affects those, in particular, who can be assumed not to have the protection of powerful networks at their disposal. Internally displaced persons are therefore particularly affected by such attacks<sup>159</sup> as they typically have neither access to significant resources nor the support of powerful networks where they are. The more obvious the lack of social protection is, the greater the risk of assault becomes and the slighter the chance of being protected by the police or third parties. In the case of deportees, in addition to belonging to this risk group of returnees, they also face social exclusion due to being stigmatised as deportees and the risk to their families and supporters of being persecuted. Not being able to rely on a sympathetic social environment that arranges hiding places and warns of persecutors not only increases the risk for victims of persecution of being discovered; social exclusion also increases the likelihood of them having no safe haven or being homeless, and thus being more exposed to everyday attacks.

156 Rahimi 15.10.2020

157 The victims were deportees from other European countries.

158 On the risks posed by open debts of deportees, see also *Asylos* August 2017: 38, Echavez et al. December 2014: 29, Ghafoor 15.10.2017, Gladwell September 2013: 62f., Gladwell/Elwyn/UNHCR 2012: 27, Schuster/Majidi 2013, Schuster/Majidi 2015: 7, Van Engeland quoted in *Asylos* August 2017: 41

159 Cf. Stahlmann 28.03.2018: 159



This is because even if security forces are not involved in assaults themselves, deportees cannot expect any help from them - deportees usually have no social or political support and often no money for bribery, which is the usual requirement for assistance. One way to partially substitute this protection by social networks and to have at least limited protection against criminal attacks is to find accommodation in paid hiding places and to avoid the public as much as possible. However, this option presupposes that private supporters from abroad provide the considerable financial resources required.

The assumption that returnees from Europe have significant funds due to acquired wealth or affluent friends in Europe increases the risk of criminal assault, demands for bribes or protection money, blackmail or kidnapping.<sup>160</sup> In addition to the forms of extortion listed above, this pattern also includes the fact that border police asked one deportee to pay USD 300 when he tried to leave the country again because he was registered as a deportee. Even having a modest standard of living does not change this risk as long as there is a suspicion that the person might still have money – the assumption being that returnees are simply hiding their fortune.<sup>161</sup>

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EHSAN B.: "I was staying at a place with lots of others. Many men slept in one room there. Then some men attacked me, stole all my belongings and beat me up. I didn't know to do, so I went to the police. They said that if I give them money, I'll get my mobile phone back. But I didn't have any more money to give them."

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#### 4. DISCUSSION OF THE LIKELIHOOD OF EXPERIENCES OF VIOLENCE

The experiences of violence described by the deportees consistently match the general analyses of the risk situation in the country that has been discussed – be it the dangers posed by military engagements, the persecution of perceived enemies in the war, violence legitimised by customary law in the case of contraventions of norms or the high level of crime. In the absence of reliable comparative data for the overall population, an assessment of the relative likelihood of deportees falling victim to violence is limited to qualitative analyses. These illustrate that deportees from Europe are not only threatened with persecution by the Taliban but also by their own families, their social environment and even strangers and state actors. These specific threats due to their fleeing to Europe, their supposed behaviour in Europe, the deportation itself and the continuing contact with Europeans are a decisive factor for the social exclusion that even those with family and friends in the country often experience.<sup>162</sup> In turn, having no supportive social networks increases the risk of falling victim to general violence. This means that deportees do not have access to security information, which is crucial for avoiding potential perpetrators and dangers to the greatest extent possible. If they are detained, kidnapped or forcibly recruited, they have nobody to negotiate with the perpetrators to seek their release.

Furthermore, they do not have access to hiding places with their families in situations of persecution. Nor can they expect support either to flee fighting, or persecution, or if they are injured. The more obvious the lack of protection offered by regular accommodation and neighbourhood vigilance is, the greater the risk of falling victim to criminal assault, which is higher for deportees anyway due to the widespread assumption that they are affluent or at least have affluent European friends. Compared to the population as a whole, it must therefore be assumed that there is not only a greater potential for danger from the specific forms of

160 Cf. Amnesty International 28.08.2019, EASO September 2020: 6, Echavez et al. December 2014: 29, Ehl 26.05.2019, Ghafoor in Asylos August 2017: 37, Gladwell September 2013: 63, Gladwell/Elwyn/UNHCR 2012: 37f., Schuster/Majidi 2013, Van Engeland in Asylos August 2017: 40, Walsh 05.12.2010

161 Van Engeland in Asylos August 2017: 40.

162 As discussed in chapter III.2, there are further reasons for this exclusion.

violence caused by their status as European returnees but also in respect to the forms of violence that exist independently of this status.

Due to the many hurdles in accessing the deportees, as discussed in the introduction, assessing the probability of experiencing violence concerning the group of deportees does not only require a listing of the experiences of violence themselves and a critical discussion of possible response biases. It also calls for a critical discussion of the extent to which the results can be generalised and thus applied to the subgroup of deportees for whom no information is available regarding their identity and experiences.

#### 4.1 Quantitative analysis of experiences of violence

Since many deportees leave the country again as soon as possible, the statistical analysis only considers the experiences of those who were in Afghanistan for longer than two months. This excludes a number of incidents because the described threats may also occur within a very short space of time. For example, during the first week of their stay in Afghanistan, deportees experienced the following: arrest and mistreatment as “potential terrorists”, robbery, which also included being robbed in a taxi from the airport to the city centre, injuries from attacks, blackmailing the family on threat of being denounced to the Taliban, Taliban death threats against relatives, arrest and torture at checkpoints, mistreatment by strangers on the street but also by villagers and family members upon return to their hometown.

Overall, the experiences of 38 deportees were not included in the quantitative analysis either because they left Afghanistan again within the first two months following their deportation or because contact with them broke off during this time. Two committed suicide immediately following arrival and ten explicitly refused to talk about their experiences of violence. The quantitative analysis therefore considers 63 deportees. Of these 63, 57 had experienced violence, and 34 of them had experienced violence more than once.

TABLE 1: VICTIMS OF VIOLENCE (N=63)\*

	Absolute number of victims	Percentage of victims	Number of incidents
Victims of violence	57	90.5	134
Victims of repeated violence	34	54.0	

\* not included: 2x death by suicide, 38x migrated within two months or broke off contact, 10x no information given

Because the exploratory interviews revealed that the individuals concerned sometimes did not report experiences of violence and security problems that they perceived as commonplace or assumed to be known, the questionnaire offered a number of options to capture this information,<sup>163</sup> including: criminality; continuation of pre-flight persecution;<sup>164</sup> assault or threat of violence due to his status as a deportee; assault or threat of violence against his family or supporters due to his return; assault or threat of violence in sanction of his assumed or actual behaviour in Europe; victim of warfare; and imprisonment, assault or threat of violence by state security forces or local militias associated with the state or by AGEs or local militias associated with them. In addition, the questionnaire addressed to contact persons also asked about self-harm and suicide. Since these acts also constitute violence, but could theoretically also have occurred in Germany, they were not evaluated statistically.

The 134 incidents of violence can be divided into those that were directly motivated by the status as deportees from Europe and those that could have occurred even without the time spent there.

The former include experiences of violence for fleeing to Europe, assumed behaviour in Europe, deportation or continuing contact with Europeans, which affected around 52 percent of deportees. Assaults on relatives because of this stay were also recorded if they related to the deportees' return. In addition to the Taliban, strangers in public places and familiar persons, such as the family, neighbours and landlords, also money-lenders for the original attempt to flee, police officers and doctors were among the perpetrators:

TABLE 2: EXPERIENCES OF VIOLENCE DUE TO THE STAY IN EUROPE (N = 63)\*

	Absolute number of victims	Percentage of victims	Number of incidents
<b>Experiences of violence due to the stay in Europe</b>	<b>33</b>	<b>52.3</b>	<b>60</b>
Actors from whom violence originated:			
Taliban	10	15.9	15
Strangers in public	13	20.6	20
Family, neighbours, landlords	15	23.8	20
Other perpetrators	5	7.9	5

\* not included: 2x death by suicide, 38x left within two months or broke off the contact, 10x no information given

Experiences of general violence include those that could have occurred even without the stay in Europe or the deportation. Provided they bore no obvious relationship to the stay in Europe, these include those with a direct link to war which included physical injuries caused by assaults and hostilities, as well as the destruction of accommodation by an attack, forced displacement because of fighting, forced recruitment and violent attacks on checkpoints by warring parties. General threats also include the continuation of previous persecution and instances of criminal assault.

<sup>163</sup> See Annex II for details.

<sup>164</sup> This includes all experiences of violence in the course of persecution that has already existed before the persons concerned fled to Germany.

TABLE 3: EXPERIENCES OF VIOLENCE DUE TO GENERAL VIOLENCE (N = 63)\*

	Absolute number of victims	Percentage of victims	Number of incidents
<b>General violence</b>	<b>38</b>	<b>60.3</b>	<b>74</b>
War-related attacks	11	17.5	14
Crime	23	36.5	47
Continued persecution	13	20.6	13

\* not included: 2x death by suicide, 38x left within two months or broke off contact, 10x no information given

Sometimes it was not possible to say with certainty whether assaults were attributable to general violence or specific violence against deportees, or whether assaults were deliberate or arbitrary because the perpetrators failed to identify or explain themselves. This is not uncommon in Afghanistan – even in the case of high-profile incidents, it is often difficult to determine who is actually responsible for what and what motivates violence. In Kabul, there is repeated public debate as to whether or not the Taliban were involved in hostilities or attacks in the city.<sup>165</sup> In one case, for example, there is a well-founded suspicion that one deportee, who was visiting his sister in Kabul, was stabbed to death in front of her house in an act of persecution because he had previously worked for the army. This is supported not only by the fact that he was exposed to persecution because of his work before he fled to Europe but also because he was not robbed in addition. However, as the assailants did not state that the assault was an act of persecution, the incident was not listed as an act of continued persecution but as a criminal incident. Violence against relatives was not considered as long as the perpetrators did not mention the connection to the deportees' return, even if can be plausibly assumed. For example, the father of one deportee was murdered on his way home after visiting his son at his hiding place in Kabul. Even if statements about the family given by the fellow travellers make it seem plausible that the perpetrators were Taliban, it remained unclear whether the murder was connected with the return of the son and the visit to Kabul, which is why it was not listed.

Repeated incidents, such as multiple threats or attacks for the same reason by the same perpetrators, were not taken into account separately. For example, if those persecuted by the Taliban received several threatening letters and calls, and their families had to flee as a result, this was classified as a single incident. Assaults that were described as daily, as in the case of assaults on the homeless, were also not considered because the total number of incidents could not be determined. Insults such as being called kafir were not considered either, even if they represent an actual risk.<sup>166</sup> Due to this risk, defaming insults are regularly a reason for individuals to be excluded from families and neighbourhoods. Also not considered was the problem experienced by four deportees who were denied a Tazkira [Afghan national identity card] because they were deportees. Not having a Tazkira is a security risk, at least at checkpoints,<sup>167</sup> and prevents access to humanitarian assistance, basic government services such as healthcare, police and justice, as well as the purchase of land and, last but

165 Ansar 01.20.2020, Cf. UNAMA (n.d.)

166 Cf. Clark/Qaane 21.05.2015, EASO December 2017a: 23ff., Osman 29.04.2015, Stahlmann 28.03.2018: 314ff.

167 Cf. Ghafoor in Asylos August 2017: 18

not least, large parts of the labour and housing market.<sup>168</sup> However, unlike the case when the doctor refused to treat a wounded deportee, the refusal did not cause a direct physical harm.

## 4.2 Limitations on recording experiences of violence

There is a fundamental risk of response bias in quantitative and qualitative surveys. Consequently, an attempt was made in this study to minimise such response biases by conducting supplementary interviews with additional informants who were as socially diverse as possible, to verify statements given by individual deportees for their plausibility and consistency. In addition, the individuals concerned were aware that they could expect neither strategic nor financial benefits from participating in the study. Possible self-interest that might lead to untruthful accounts of experiences of violence could be possible among those who want to flee to Europe again and subsequently seek to apply for asylum once more. Also, an employee in a German governmental agency expressed the suspicion to me that false statements were possibly intended to influence German case law and thus improve future prospects of protection. However, the vast majority of deportees hope to return to Europe for other reasons under residence law, e.g. they have children in Germany, want to get married or have apprenticeship contracts. Hence the potential bias effect may be regarded as low. However, even among the minority of those who were planning to reapply for asylum in Europe and with whom it was possible to have a one-to-one conversation about that, nobody assumed that the success of this application depended on the publicly available information about Afghanistan. When asked why they had any hope of being accepted on a second attempt, deportees referred instead to the extremely divergent recognition rates in European countries and even within Germany. When it was put to them explicitly whether they hoped that improved documentation of the threats would increase their prospects, they all denied it and pointed out that it was already known how dangerous Afghanistan is. In one case, however, there was the theoretical possibility that untruthful accounts of experiences were given to improve prospects under asylum law for relatives in Germany. In another case, there was suspicion that an instance of violence had been invented in order to mobilise financial support. In both cases, the accounts themselves seemed plausible, but were not documented due to this possibility.

There are also indications in the response behaviour that suggest that experiences of violence are “underreported”, meaning that they are concealed or downplayed. This is especially true if the contact persons in Germany whom I interviewed have a particularly close relationship with the deportees. Relatives as well as long-term supporters have reported several times that deportees do not want to talk about violence, and several deportees have confirmed in direct contact that they want to avoid causing additional worry to friends and relatives. However, attempts to obtain information from contact persons with whom the deportees have less of a close relationship, or from deportees themselves, were not always successful. Last but not least, in Afghanistan it is particularly risky to disclose information on political, religious or personal threats, thus a great deal of trust is required. The customary way in the country to mention existential safety problems therefore often comprises vague, unspecific phrases such as “I had problems” or “there were difficulties.” Some answers in the questionnaires as well as in personal conversations confirmed this pattern, making them largely unusable for analysis. As far as it was possible to enquire, some deportees explicitly refused to go into detail about incidents of violence for fear of being identified. Moreover, since there is a risk of retraumatisation when recounting experiences of violence, it would also not be ethically justifiable to insist on answers. Indeed, it cannot be assumed that deportees would be willing to give accounts publicly, or even

<sup>168</sup> Cf. IOM 2016: 1, Majidi December 2017: 7, NRC/Samuel Hall 08.11.2016: 21f. and 35ff., OCHA December 2020: 16. In the health sector, this exclusion is illegal, but it is often used as a justification for refusing to provide services. (Cf. NRC/Samuel Hall 08.11.2016: 36f., OCHA December 2020: 16)

privately for that matter, especially in relation to humiliating and shameful forms of violence such as rape or certain methods of abuse and torture. Reports of experiences of violence may also be omitted because deportees consider forms of violence to be so commonplace as not to be worth reporting, or because they consider legally irrelevant forms of violence to be more relevant than those that are actually considered to be acts of violence. For example, I only learned by specifically enquiring that a deportee had also been injured in an attack, although he insisted that his injury was unimportant. What he wanted to report was the deeply shocking experience of having to witness how the victim of an attack was not given moral support or first aid but was instead robbed while he was lying on the ground dying. In summary, it can be assumed that cases of underreporting not only balance out untruthful exaggerations but even outweigh them.

The documentation is also limited in respect that serious cases of violence can only be recorded in extremely rare, exceptional circumstances since they regularly lead to a break-off of contact. This is of course especially true of deaths, and it is well known that the kinds of violence described here are sometimes fatal. In these cases, information about the events could at best be obtained from local witnesses. However, the likelihood of getting access to witnesses willing to tell strangers about assaults is tiny. Nor can it be assumed that all incidents will be reported in the Afghan media, since violence is so common in Afghanistan.

It is not only murder that is likely to lead to an unexplained break-off of contact. This can also happen in the case of successful forced recruitment that does not allow contact with relatives or friends abroad, or in the case of criminal assault that deprives deportees of the means necessary for contact. Nor can it be assumed that access to prisoners can be established, which applies both to Taliban prisoners and those imprisoned by the state. For example, while the Afghan Ministry of the Interior confirmed the arrests of deportees back in 2017, their identities are still unknown.<sup>169</sup>

Not every break-off of contact necessarily means that the individual concerned has fallen victim to violence. However, the probability is higher in the five cases in which contact with deportees broke off while they were still in Afghanistan even though they were dependent on financial support from Germany. There is no apparent harmless reason for foregoing this voluntary financial support, especially because under the current circumstances in Afghanistan additional resources always mean additional options for protection against violence, disease and other severe risks. In such cases, it is reasonable to assume that deportees have been harmed or at least have been forced by actors in the conflict to break off contact with Germany.

Similar problems can arise in documenting violence against deportees' relatives due to their return. For example, one deportee is very concerned that something has happened to his family because of his return. Following his return, his parents told him that he should flee again immediately because the Taliban were looking for him and that they were being threatened as a result. Since then, the family has gone missing, although it has not been possible to prove whether there is a direct connection between his return and their disappearance.

<sup>169</sup> "A spokesman for the Ministry of Interior, Nasrat Rahimi, said some men had been arrested on past flights, mainly those accused of murder and grievous bodily harm." (Zeit Online 07.12.2017) Another arrest apparently took place upon arrival of the deportation flight on 21.02.2018. (Cf. dpa/Merkur 21.02.2018).



### 4.3 Discussion of the generalisability of results

There are several reasons to assume that those deportees whose experiences could not be documented are affected by violence to a higher degree since it can be assumed that they receive less support from social networks in Germany.

For a start, this concerns access to information on behaviour to avoid danger. Of course, advice can hardly compensate for the necessary practical experience of how to deal with imminent danger. To behave the right way instinctively during robberies or at checkpoints, to recognise whether men in uniform are soldiers or Taliban, to be able to convince members of the intelligence service or the Taliban of one's innocence, and to behave appropriately in the event of attacks or when dealing with members of military factions – all this requires a lot of experience. But security information can be shared such as which SIM card would raise a red flag to the Taliban, which data on a smartphone should be deleted or protected by special encryption apps, what clothes to wear, what story would currently not come across as suspicious to whom, or how to take an oath on the Quran in order to affirm the deportee's own innocence or to manifest loyalty. Even those who grew up in Afghanistan typically need advice on the particular risks that deportees are exposed to, which they often cannot adequately assess due to a lack of personal experience. Since IOM no longer gives deportees the opportunity to stay in the Spinzar Hotel for the first two weeks following their arrival, they are not directly accessible to AMASO advisors nor do they have the opportunity to network with each other and to exchange information about safety precautions and rules that apply locally. The only chance for such an exchange of experiences, for information about the AMASO service and access to advice is therefore via supporters in Germany.

Financial assistance from private supporters in Germany must be seen as making a key difference. This is because in many cases it enables these particularly "privileged" deportees to hide for a while and to be so economically secure that they are far less exposed to violent threats than those without these funds. Of the 63 deportees who had been in the country for longer than two months, only 14 were not mostly housed in paid hiding places. Financial support from abroad also affects the willingness of families to offer protection to deportees, insofar as this is possible. According to the deportees' experiences, however, the potential benefit of this support for the families must outweigh the danger posed by the deportee.<sup>170</sup> In particular, those who can protect their families from destitution through private financial support from Germany and have the prospect of returning to Germany through a visa application process can hope for such assistance. This results in a relatively lower threat level for these "privileged" deportees whose experiences, however, it was possible to document to a disproportionate degree.

In this respect, criminals who are deported from prison are not only threatened by a lack of private support but also with renewed punishment for their crimes.

In conclusion, it can be assumed that the violence suffered is "underreported" and that those deportees whose experiences could not be documented were affected by violence to an even greater extent than the documented cases.

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170 S. chapter III.2



Delegation of internally displaced persons at the MoRR with a petition for land allocation – shortly before they were chased away with canes. Kabul, 2020.

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# III HUMANITARIAN SITUATION

## SUMMARY

The accelerating humanitarian crisis caused by the war, has been further escalated due to natural disasters and the consequences of the coronavirus pandemic. As a result the proportion of people in Afghanistan in need of urgent humanitarian assistance due to a life-threatening lack of food increased more than five-fold since 2015, to 42 percent of the population, or 16.9 million people in 2020.<sup>171</sup> One in two children under five is expected to die in 2021 without treatment for malnutrition.<sup>172</sup> Even in 2019, and thus before the additional economic downturn caused by the coronavirus pandemic, 93 percent of the population lived in extreme poverty,<sup>173</sup> with the number of those needing urgent humanitarian assistance nearly doubling in 2020.<sup>174</sup> In 2021, according to OCHA, a total of 30.5 million people are acutely dependent on assistance from the government and development actors to survive the economic impacts of Covid-19.<sup>175</sup> This humanitarian crisis and its escalation are indicators that social networks have long been overburdened with the task of coping with temporary crises, which in turn leads to the long-term impoverishment of people concerned. Humanitarian and development assistance have so far been unable to stop this escalation.

Therefore, it cannot be assumed that deportees will be able to make a living, whether self-employed or employed, even with the help of families or friends. Among the deportees surveyed, only one found employment he could live on when he started working for the US Army again. Nor can it be assumed that their families would be in a financial position to provide for adult men in addition to particularly vulnerable family members, with the financing of the original escape to Europe posing an additional risk of impoverishment.

The analysis also reveals that deportees are often explicitly excluded from social networks because they have disappointed their families' expectations, are stigmatised as "infidels" or "westernised" and constitute a security risk. For example, only three of the 53 deportees, who assume they have families in Afghanistan, are receiving medium-term support from their families. All three are planning to leave or have already left the country again due to a lack of prospects and acute security problems.

This exclusion not only thwarts the hope of benefiting from inherited property; it also prevents access to vital resources such as employment, accommodation and assistance in crises such as illness, unemployment and experiences of violence. In turn, this increases the costs deportees face to survive. This applies not only to additional expenses in everyday life - for example because they need accommodation that becomes all the more expensive if it is intended to offer protection from persecution - but also to costs due to the increased risk of crime, illness and thus medical needs. For deportees, all these needs often posed more acute existential threats than hunger. These additional expenses meant that many deportees needed many times more the EUR 270 per month that they spent on average on food, electricity and rent, excluding heating and furnishings.

Consequently, several risk factors for destitution converge for deportees as returnees, victims of persecution

171 OCHA December 2020: 22, cf. FSAC 29.03.2020: 3

172 UNICEF 16.02.2021

173 OCHA June 2020: 15

174 OCHA June 2020: 13; OCHA December 2020: 4

175 OCHA December 2020: 11

and victims of social exclusion. Nevertheless, none of the deportees were able to benefit from general humanitarian assistance as this usually requires being a member of a vulnerable social community and being recognised as particularly vulnerable within that community. Social exclusion also prevents access to assistance for returnees through the European Return and Reintegration Network (ERRIN) programme. Even those who overcome the information, formal, financial, social and time hurdles in accessing this assistance can only count on temporary support of limited in-kind benefits in accordance with the assistance regulations. In practical terms, this is only an option for those who receive significant private financial support from abroad.

Even with 75 percent of the documented deportees having lived primarily off private support from abroad, this does not mean that the funds are sufficient to cover basic humanitarian needs. 13 of the 18 deportees who were temporarily or permanently homeless received financial support from Germans, which, as far as is known, at least ensured they could obtain food or help in emergencies. However, for a large proportion of deportees, this support enables them to stay mostly in hiding places and thus face a lower risk of subsequent costs from criminal assaults, regular change of whereabouts, and illness.

As in the case of reports on experiences of violence, there are indications in the response behaviour regarding the humanitarian situation that hardship is “underreported”, meaning that it is concealed or downplayed. As in the case of severe experiences of violence, severe forms of destitution often cannot be documented because contact with deportees breaks off. Another parallel to the experiences of violence is that, in terms of humanitarian hardship and destitution, it can be assumed that this primarily affects those whose experiences could not be documented and for whom it cannot be assumed that private support from Germany is available. This disproportionately affects convicted criminals who are deported from prison. Moreover, criminals are not only excluded from access to return assistance but also face particular social exclusion.

For those who cannot meet their daily needs with support from Germany and who do not have a sympathetic family able to provide support, the only likely option to make a living in the country is joining criminal gangs or militias.

## INTRODUCTION: GENERAL DEVELOPMENT OF THE HUMANITARIAN SITUATION

The living conditions of the Afghan population have been characterised by an extreme and escalating humanitarian crisis for many years. Humanitarian organisations regularly highlight the fact that the roots of this escalation lie in the ongoing civil war and the associated level of violence.<sup>176</sup> Of particular significance in this regard are the large-scale displacements, the war-related destruction of livelihoods and vital infrastructure, as well as the large number of people killed or left permanently disabled.

In a traditionally largely agricultural economy,<sup>177</sup> access to land plays a central role because food for one’s own consumption can be produced in gardens and fields. In addition, having a privately owned home and property reduces the cost of living, and ownership of land as security provides access to loans and so helps to cope with acute economic shocks. Land ownership is not only of central importance for the rural population but also serves to safeguard relatives living in cities. Due to the slump in wage levels and the non-agricultural

<sup>176</sup> E.g.: OCHA December 2020: 4

<sup>177</sup> Despite the large number of displaced persons, agriculture was the main livelihood source for 44 per cent of households in 2019 (FSAC 29.03.2020: iv).



labour market, the reduction in development aid, especially since the withdrawal of the ISAF in 2014,<sup>178</sup> the low level of investment due to violence, political uncertainty and the lack of the rule of law,<sup>179</sup> as well as the ongoing physical destruction of infrastructure through hostilities and attacks, the value of land has risen even further in regards to livelihood security.<sup>180</sup>

A major and particularly long-term driver of the escalation of the humanitarian crisis has therefore been the war-related displacement of around 3.3 million people since 2012.<sup>181</sup> It is not only Afghans who fled to Iran or Pakistan in the early phases of the war who are concerned by the long-term loss of land; those who had to flee Afghanistan or have been internally displaced in recent years are as well.<sup>182</sup> For example, 4.8 million people who have remained internally displaced since 2012 have so far been unable to return home.<sup>183</sup> Forms of land loss include both emergency sales, with which IDPs try to finance life in refugee camps for a while, and the occupation and forced appropriation of land by opposing parties. From the experience of the last 40 years, it is clear that the longer an enforced absence lasts, the more complicated and unlikely it becomes to potentially unravel the web of violent, illegal appropriations and subsequent legal transactions without provoking renewed conflict and fighting. In addition, experience has shown that redressing this injustice requires a reversal of the balance of power in favour of the original owners. Instead, the militarisation of the country and the accompanying undermining of the rule of law over the past 20 years has promoted the violent appropriation of resources and their bottom-up redistribution for the benefit of the few in power.<sup>184</sup>

The economic burdens caused by the war also include the large number of men killed, the care of the wounded, disabled<sup>185</sup> and traumatised people who are unable to work.<sup>186</sup> In addition, there is impoverishment due to the financing of the fleeing from persecution, as well as the increasing destruction of the public health system by warring parties and the accompanying subsequent costs. These include not only deaths and the permanent disability of those without access to treatment<sup>187</sup> but also those victims of war-related mental and physical illnesses who try to compensate for the lack of medical care by “self-medicating” by abusing drugs.<sup>188</sup>

In recent years, these war-related causes of destitution have been compounded by, for example, the almost exclusively involuntary return<sup>189</sup> of around 3.8 million Afghans since 2016 from Pakistan and Iran.<sup>190</sup> They represent a further strain on the economy because, on the one hand, they further intensify competition for scarce vital resources and, on the other, there are many families in Afghanistan who were dependent on the support of their relatives in Iran and Pakistan to safeguard their livelihoods. According to OCHA, deportations

178 Cf. Clark May 2020: 9 and 14, ICG 03.10.2016, Lobenstein 27.11.2019, Stahlmann 28.03.2018: 9f.

179 Cf. ICG 03.10.2016, Rahim 25.01.2017, OCHA December 2020: 14

180 Lack of access to land is thus considered a vulnerability criterion for food insecurity. (Cf. FSAC 29.03.2020: iv)

181 OCHA 21.03.2021. On restrictions in the documentation of internally displaced persons s. Stahlmann 28.03.2018: 185ff.

182 Cf. Bjelica 29.03.2016, OCHA December 2020: 21, UNHCR 01.09.2013

183 OCHA 17.03.2021: 7. In addition to people displaced by conflict, this also includes people displaced by natural disasters.

184 Cf. Ariana News 21.02.2016, Gaston/Dang June 2015, Jackson 2018: 21, Muzhary 12.05.2017, UNHCR 01.09.2013, Wily February 2013

185 WHO estimates that the decades of conflict have left 800,000 with severe disabilities, which is about 2.7 per cent of the population (OCHA December 2020: 15). UNAMA found that 85 per cent of victims injured in the war suffered long-term physical disability and disfigurement. (OCHA December 2020: 20).

186 For example, one in five Afghans cannot adequately manage their daily lives due to mental health problems (HRW 07.10.2019).

187 Eight million people suffer from limited access to health care due to the closure of critical health facilities resulting from attacks in 2019 and 2020 alone. (Sum of data provided in: OCHA December 2019: 62 and OCHA 17.03.2021: 38) Cf. Al Jazeera 17.06.2020, Insecurity Insight 21.05.2020, MSF 2014 and 2020, UNAMA 23.02.2016 and June 2020, Watchlist on Children and Armed Conflict 2017

188 Cf. UNODC 21.06.2010, SGI Global May 2015

189 According to the perception of the Afghan population, not only deportees are listed as involuntary returnees, but also those who saw no option to remain in Iran or Pakistan due to their illegal status or inability to support themselves (cf. chapter IV). This also corresponds to the widespread stance in migration research to only refer to voluntary return if the persons concerned have the right to permanent residence in the country of refuge. (Cf. Van Houte/Siegel/Davids 2015: 694)

190 2016: 692.157 (IOM 31.12.2016), 2017: 564.407 (IOM 30.12.2017), 2018: 805.850 (IOM 05.01.2019), 2019: 496.526 (IOM 28.12.2019), 2020: 865.793 (IOM 31.12.2020), 2021: 368.415 (IOM 29.04.2021)

from Turkey and Europe have triggered a new and escalating dynamic in the humanitarian crisis.<sup>191</sup> An employee of the MoRR and Christina Hiemstra (IOM) also pointed out that the higher the number of refugees who return, whether voluntarily or forced, the greater the number of people in distress and thus the greater the need for humanitarian assistance becomes.

Moreover, natural disasters fuel the escalation of the humanitarian crisis. These include floods, landslides, avalanches and earthquakes – which have affected over 1.5 million people since 2012 alone<sup>192</sup> – as well as droughts such as those in 2018 and 2019, which alone left 4.5 million Afghans dependent on humanitarian assistance by February 2019.<sup>193</sup> Last but not least, as at June 2020, the number of those in acute need of humanitarian assistance was expected to increase by 4.6 million in 2020 solely due to the Covid-19 pandemic.<sup>194</sup>

The fact that singular crises, such as a drought or currently Covid-19, have such a great impact on the overall economy<sup>195</sup> is not only because many households live so close to the edge of destitution that they are plunged into lasting impoverishment because of a failed harvest, temporary inability to work due to illness, unemployment, medical costs, death or other ordinary “economic shocks”. It is also an indicator that decades of war-related stresses have led to a widespread breakdown in the ability of social networks to mitigate such crises and enable needy households to recover. The necessary assistance from social networks does not only include support from a person’s own nuclear family in everyday life and in emergency situations; it also requires the nuclear family to be integrated into broader social networks that are willing and able to mitigate temporary economic crises when they overwhelm the capacity of nuclear families to cope – whether by providing loans, temporary accommodation to those in need of protection, donations, arranging employment or access to collectively used resources. They are also crucial for the enforcement of norms and thus protection against abuse of power. As Dupree put it in 2004: “[...] the extended family thus functions as the major economic, social and political unit of the society and guarantees security, from birth to death, to each man and woman. It is the central focus where individuals find status, socialisation, education, economic security and protection.”<sup>196</sup> Due to non-existent state social security systems, the fact that these social networks are of vital importance - even in the absence of particular hardship - is nothing new because economic shocks from droughts or illness also existed in pre-war times. Since the beginning of the wars, the importance of access to networks has increased further. This is because not being part of a warring party through a family network means not benefiting from protection against attacks or from the distribution of resources – be it land, weapons or humanitarian assistance – arranged by warring parties.<sup>197</sup> Abdullah Maleki (IOM) summarised this absolute dependence on social networks as follows: “For whatever you need, you need a strong network in this country – for finding a job, for finding a house, for continuing education, for living.”

As with any social security system, it is not just individual households that are dependent on social networks. The safeguarding function of social networks depends, in turn, on the proportion of people in need not becoming too large. The greater the number of those whose savings are exhausted and who are plunged into destitution, the fewer resources are available within social networks that could provide support for crisis-hit

191 OCHA December 2019: 28

192 OCHA 02.05.2021

193 OCHA February 2019

194 OCHA June 2020: 5

195 On the persistent impoverishment caused by the drought, see. FSAC 29.03.2020: 11.

196 Dupree March 2004: 313.

197 Regarding the control of existential resources by warring parties see AREU January 2016, Bhatia et al./AREU June 2004, Clark May 2020, Gossman/Kouvo June 2013, Hewad 08.10.2012, HRW November 2002, September 2011 and 03.03.2015



households. The lower the community's resilience, the less it takes for the impact of even small-scale economic shocks to be sufficient to provoke impoverishment, which is irreversible because the social networks cannot mitigate the economic stress. In turn, the resulting impoverishment of people weakens the social networks, which sets in motion an escalation of destitution that is further accelerated by acute crises.

If the wars of recent decades had only destroyed the resilience of a minority of particularly vulnerable households, they would still be able to take out loans, find employment, or support each other on a reciprocal basis and thus offset economic setbacks and re-establish resilience. But by 2019 two thirds of the population suffered from depleted livelihoods to such an extent that they were forced to borrow money for everyday expenses like food, medication, ceremonies, e.g. funerals, or rent.<sup>198</sup> Even before the economic downturn and additional misery caused by the coronavirus pandemic, 93 percent of the population, around 35 million people, lived in extreme poverty<sup>199</sup> and would have needed an emergency social safety net.<sup>200</sup>

The nationwide failure of the safeguarding function of social networks and the resulting escalation of hardship is also reflected in the proportion of those who have to resort to "damaging coping strategies" to pay for food. These strategies include selling land, taking on debt, reducing healthcare expenses, selling household goods, windows and roof beams but also begging and marrying very young girls. Reports of starving people and even children selling their kidneys to obtain food or pay off lenders give a sense of how desperate many people are.<sup>201</sup> The proportion of those who rely on damaging coping strategies to obtain food increased from 36 percent to 78 percent of the population between 2017 and 2019 alone.<sup>202</sup> As documented in the 2019 Food Security Assessment, even these strategies are no longer available to many, which subsequently encourages violent survival strategies such as criminal activities and work for armed fractions, and which in turn increase overall hardship.<sup>203</sup> At the same time, OCHA suggests that the number of internally displaced persons has fallen because many of those affected by them can no longer afford to flee the hostilities.<sup>204</sup>

If they can no longer even manage everyday expenses, such as those for food, by themselves, households are all the more defenceless in the face of acute crises. These include general economic crises such as the one caused by the Covid-19 pandemic. In the wake of measures to combat the spread of the coronavirus, private household incomes plummeted 59 percent and remittances decreased by up to 40 percent within a year, while at the same time food prices and the debt burden on private households increased.<sup>205</sup> The share of indebted households has increased even among non-displaced households by 24 percent to 84 percent.<sup>206</sup> Contrary to expectations, in April neither income levels or opportunities, nor food prices or support payments had improved again despite the lifting of measures to limit the pandemic as of November 2020.<sup>207</sup> Consequently, while food prices are no longer at the peak levels they reached due to the border closures in 2020, they are permanently elevated from pre-pandemic levels.<sup>208</sup> Acute crises also include illness. If households can no

198 FSAC 29.03.2020: 8

199 Based on the international standard of living on less than USD 2 per person per day. (OCHA June 2020: 15)

200 OCHA June 2020: 15

201 Salehi 07.02.2021 and 11.02.2021

202 FSAC 29.03.2020: 2

203 FSAC 29.03.2020: 8

204 OCHA December 2020: 20

205 OCHA December 2020: 13 and 82

206 OCHA December 2020: 13

207 FSAC November 2020: 10, cf. Amnesty International 30.03.2021

208 OCHA 17.03.2021: 7, SIGAR 30.04.2021: 128

longer afford medical treatment,<sup>209</sup> and if the sick are not treated and die or remain permanently disabled, it constitutes a lasting blow to the households.

Hunger predictably follows once people have used up savings and resorted to damaging coping strategies. For example, between 2018 and 2019 alone the number of those experiencing crisis or emergency levels of food insecurity grew by 6 million people.<sup>210</sup> Between 2015 and 2020, the proportion of people in crisis or emergency levels of food insecurity and in need of urgent humanitarian assistance increased more than five-fold, to 42 percent of the population, or 16.9 million people.<sup>211</sup> Afghanistan has the second highest number of those with emergency-level food shortages in the world at 5.5 million.<sup>212</sup> Since the start of the coronavirus pandemic alone, the proportion of those relying on urgent humanitarian assistance for survival due to food insecurity has increased by nine percent to 42 percent of the population, with the impact of the pandemic being most severe in urban areas.<sup>213</sup> Every second child under the age of five will die in 2021 unless treated for malnutrition.<sup>214</sup>

The escalation of life-threatening hardship due to the failure of social networks can also be seen in OCHA forecasts of how many people will become dependent on critical humanitarian assistance in each coming year. This figure has risen from 3.3 million in 2018 to 6.3 million in 2019, the forecast for 2020 of 9.4 million was corrected to 14 million in June 2020 due to the coronavirus pandemic, and 18.4 million are expected to be dependent on this assistance in 2021.<sup>215</sup> It is forecast that, in 2021, 30.5 million people will be acutely dependent on assistance from the government and international actors to survive the economic impacts of Covid-19.<sup>216</sup> OCHA stresses, however, that existing assistance is far from able to meet the needs. In 2020, for example, only half of the acutely needed funds were allocated, even though the number of planned aid recipients was significantly below the 14 million in need at 11.1 million.<sup>217</sup> The current escalation of humanitarian hardship thus no longer represents an acute and temporary crisis, such as those traditionally triggered by droughts, but points to an escalating dynamic of severe impoverishment of the population as a whole, which is being further accelerated nationwide by events such as droughts or the economic collapse caused by the coronavirus pandemic.

However, this does not mean that this hardship is spread evenly. After all, social networks are not only overburdened with providing protection; the events of the war have also shaken them as networks and challenged them in many ways. The functioning of these networks – in which religious, relational, professional and local relationships often intertwine and overlap – is based on long-term reciprocal relations, which in turn are based on trust. However, both optimism and confidence in reciprocity have been deeply shaken by

209 According to a survey by Médecins Sans Frontières conducted among patients in 2014, 19 percent had lost a friend or relative within a year due to lack of medical care, a third of those for financial reasons. In 2018, the percentage of those who had lost a friend or relative within a year had risen to 42 percent of all respondents in a Herat hospital, of whom 81 percent cited costs as the biggest barrier to access. (MSF February 2014: 8 and MSF March 2020: 11. Since both surveys were conducted among visitors of the participating hospitals, these figures are predictably higher in the overall population).

210 OCHA December 2018: 13

211 OCHA December 2020: 22

212 Ibid., cf. FSAC 29.03.2020: 3

213 OCHA December 2020: 34

214 UNICEF 16.02.2021

215 OCHA December 2017: 5, OCHA December 2019: 4, OCHA June 2020: 13; OCHA December 2020: 4

216 OCHA December 2020: 11

217 OCHA 17.03.2021: 4. Moreover, this discrepancy is nothing new: in 2015, the USD 292 million that were provided merely amounted to 62.5 percent of the needs assessed by the Humanitarian Response Plan of the United Nations and other humanitarian aid organisations were raised. In 2016, the demands amounted to USD 393 million, of which USD 197 million were raised. The additional emergency appeal of USD 152 million, issued to address the high needs due to higher-than-expected numbers of returnees from Iran and Pakistan and internally displaced persons, only resulted in additional payments of 81 million USD. (Amnesty International 31.05.2016: 27, Smith 18.01.2017)

the wars of the past 40 years – whether through political, ethnic or religious frontlines that have fractured local communities and even families, long-term separation of relatives because of migration and exile,<sup>218</sup> the threat of Taliban infiltration or resorting to crime as a survival strategy. At the same time, the abuse of power has become institutionalised, undermining social means of enforcing norms.<sup>219</sup> Other consequences of this development are a deep mistrust of strangers and using seclusion in an attempt to protect resources as best as possible. Consequently, rather than investing in insecure relationships with strangers, people seek to defend resources from potential external threats.

Abdullah Maleki (IOM) described this isolation using the example of internally displaced persons as follows: “Without having a network you basically can’t survive. IDPs are isolated from the rest of the communities – wherever they are. They have their own shops, their own infrastructure. And you can see something like a wall between the IDP community and the rest of the town. And there is a very strong social network between the IDPs. You can’t find a single camp where people are coming from different provinces. [...] When they move to another place they stay together. It’s not only ethnic discrimination, it is also pre-existing bonds.” Consequently, internally displaced persons are excluded from the resources of the resident population. But without already being part of the particular community before fleeing, it is not even possible to settle in refugee settlements.<sup>220</sup> According to Abdullah Maleki (IOM), this isolation is therefore a decisive argument against the assumption that “internal relocation” would be possible in Afghanistan. It is therefore unsurprising that a significantly higher proportion of returnees from abroad have to resort to emergency coping strategies to pay for food compared to IDPs, who in turn are more dependent on such strategies than the resident population.<sup>221</sup> Most of those affected by food insecurity were already living in the provinces of Kabul, Herat, Nangarhar and Balkh in 2019,<sup>222</sup> which are among the most frequently proposed internal protection alternatives. This is also due to the large number of those who rely on particularly precarious informal employment in urban areas.<sup>223</sup> In turn, these people are hit particularly hard by the slump in wages and the rise in food prices in the wake of the coronavirus pandemic.<sup>224</sup>

In addition to the actual financial demands for covering basic needs, the economic situation of deportees also depends the extent to which they can connect with social networks that are willing and able to support them. Other questions are whether assistance, be it general humanitarian or intended specifically for returnees, can cover the cost of living, and what they actually live on in practice.

218 Cf. Dupree March 2004: 327

219 Cf. Stahlmann 28.03.2018: 138ff.

220 Cf. IDMC/Samuel Hall/NRC December 2017: 8

221 FSAC 29.03.2020: 12, on the impact of the coronavirus pandemic on IDPs cf. Amnesty International 30.03.2021

222 In 2019, 15 percent of food insecure people lived in Kabul, 9 percent in Herat, 7 percent in Nangarhar and 6 percent in Balkh (FSAC 29.03.2020: 5). This is also due to the fact, that urban households have fewer emergency strategies at their disposal during economic crises, and hence resort more often to worse diets and debt (cf. FSAC 29.03.2020: 26).

223 More than 80 percent of workers are employed in the informal sector (OCHA June 2020: 13).

224 OCHA June 2020: 26, cf. Amnesty International 30.03.2021

## 1. FINANCIAL NEEDS OF DEPORTEES

Deportees' actual financial needs can be roughly split into immediate post-arrival needs, which arise in particular from the unpredictability of deportation, and medium-term needs to enable them to continue providing for themselves. The medium-term need includes costs for accommodation, food, communication and, due to their frequent occurrence, costs arising from theft or robbery, necessary bribes and medical care.

In addition to medium-term day-to-day costs, there is a financial need arising from the unpredictability of deportation because of the typical situation deportees face of not having a realistic chance to prepare for their arrival in practical terms. This would include having a plan for accommodation and access to local support. For many, however, deportation happens so suddenly that they are not even allowed to pack personal belongings or inform friends and supporters.<sup>225</sup> Those in pre-deportation detention have virtually no opportunity to mobilise potential post-arrival support in Kabul due to the very limited ability to communicate from detention. In addition, the ban on talking to each other during the flight, which is consistently enforced according to the unanimous information of deportees, prevents the sharing of relevant information and ideas about dealing with the deportation. This problem is further exacerbated by the fact that the option under IOM's RADA programme to stay free of charge in the Spinzar Hotel for two weeks following arrival is no longer available. This option had been helpful in assisting deportees to overcome the initial shock of being deported and giving them the chance to react. It was also an opportunity to gain access to relevant information through networking among each other and with supporters, and, if deportees had relatives in the country, to clarify whether they could return to them.<sup>226</sup>

### 1.1 Transportation

Prior to IOM's standardisation of arrival assistance in April 2019 comprising a cash-in-hand payment of AFN 12500/EUR 133,<sup>227</sup> deportees with a Tazkira (national ID) could have one domestic flight paid for. As far as I know, two deportees took up this offer. If deportees have a Tazkira, they could theoretically still book an onward flight to another Afghan city at Kabul airport today. The prices for this, as of March 2021, are between USD 80 and 100 for Herat or Mazar-e Sharif.<sup>228</sup> However, since this benefit, like travel expenses as a whole, is no longer a stand-alone offer, none of the deportees I know have taken advantage of the option to fly. Even those who immediately set off for Herat to leave the country again opted to make the dangerous journey overland due to scarcity of funds.<sup>229</sup> The fact that deportees often do not have the option of onward flight is also because some do not have a Tazkira – either because they are among those who cannot obtain one legally<sup>230</sup> or because authorities in Germany retained it.

225 This was also criticised by the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in its report regarding the deportation conducted on 14.08.2018 (cf. CPT 09.05.2019: 11f.).

226 As Abdullah Maleki (IOM) stressed, clarifying this issue is a significant difference between formally voluntary returnees and deportees.

227 All conversions as of 12.04.2021 (<https://www1.oanda.com/lang/de/currency/converter/>), rounded to one decimal place.

228 Cf. [www.kamair.com](http://www.kamair.com)

229 Cf. chapter II and Giustozzi 23.08.2017a and b, Lobenstein 27.11.2019, Quilty 12.10.2020, USDOS 30.03.2021

230 The prerequisite for this is to present the Tazkira of the father, brother or a paternal uncle, or relatives in the family's place of origin, who are able and willing to confirm the identity. (NRC/Samuel Hall 08.11.2016) For Afghans abroad, there has only recently been the further option of submitting the Tazkira of two Afghan guarantors abroad who can confirm the identity of the person concerned (cf. <https://www.econsulate.nsia.gov.af/absence-form>). In practice, according to deportees in Afghanistan, bribes of about USD 300 are demanded for the issuance of a Tazkira in Afghanistan.

The usual first step for deportees is to drive into town and find temporary accommodation. The regular prices for the trip into the city in a shared taxi, depending on whether one is going to the Spinzar Hotel indicated on the flyer issued by IOM or to the Hazara district of Dasht-e Barchi in the west of the city, are between AFN 600 and AFN 1000/EUR 6.40 and EUR 10.60 per person. However, this price only applies to those who can credibly pass off as familiar with Kabul and the appropriate prices. Indeed, some deportees have ended up paying five times as much, and one was even robbed on this trip.

The prices for further journeys within the city depend not only on the distance but also on the deportees' local knowledge. Costs rise not only when deportees pay a "tourist surcharge" because they do not come from Kabul or it is noticed that they have spent time in Europe but also because detailed knowledge of the area is needed in order to be able to use buses. Routes that need to be taken to apply for return assistance, such as from the Dasht-e Barchi district to the IOM office or from the Spinzar Hotel to the Afghanistan Center for Excellence (ACE), amount to at least AFN 300/EUR 3.20 per trip in a shared taxi.

## 1.2 Clothing and communication

Deportees also have an urgent need for essential everyday items since the lack of opportunity to pack before deportation often means that deportees do not have clothing that suits the weather and local culture. According to Christina Hiemstra (IOM), deportees even arrived from Germany in winter without shoes or jackets; some were even deported in work clothes. If one considers the need of two sets of shalwar kameez as the local clothing of choice, a winter jacket and a pair of shoes, one will need at least EUR 100 to get them in Kabul. However, if deportees do not know where to buy used clothing cheaply, these costs multiply quickly. The acute need also includes a SIM card and credit for the internet, which costs at least AFN 500/EUR 5.30 for 4 GB. One deportee managed to get Wi-Fi access for a dollar a day. Some had been deported without their smartphones. To obtain a simple, second-hand internet-enabled model costs at least AFN 5,000/EUR 53.20. But it is not only the communication fees that are a recurring cost, the smartphones themselves are, too, owing to the high likelihood of them getting stolen.

## 1.3 Accommodation and food

Given the acute costs for accommodation and food, it is crucial to note that deportees are usually unable to make arrangements even for temporary accommodation. This is also one of the biggest differences compared to those entering the country voluntarily. Those who have been asked by their families to return in order to protect them or to accompany them when they leave the country can even go straight to their families. However, even those who return voluntarily to assert their right to marry and work in Germany, and who plan to return to Germany through the visa application process, will have put together a plan for their stay; they have usually arranged temporary private accommodation through acquaintances and friends. For those entering the country voluntarily and planning to leave right away, this need usually is short-term at most.

Based on telephone enquiries on 11 October 2020 with the three hotels, the addresses of which IOM provides to deportees on a flyer handed out at the airport, they all require the presentation of a Tazkira to rent a room. If one meets this requirement, the cheapest rooms per night cost AFN 1,000/EUR 10.60 at the Spinzar Hotel and Roshan Plaza, and AFN 1,500/EUR 16 at the Baharestan Aria.<sup>231</sup>

Apart from hotels, deportees mention a number of other accommodation options,<sup>232</sup> with the cheapest ones in the medium-term being those that initially require a higher outlay. A longer-term rental is cheaper than regularly changing guesthouses, but, in addition to guarantors, it requires the payment of a deposit of three to six months' rent. What's more, in order to have contract security, it also needs a Tazkira and an estate agent to arrange it, who charges roughly another half month's rent as a fee. In addition, a flat requires an investment in basic furnishings, at least for mattresses and blankets. Having one's own living space also allows to save on food costs because one can cook for oneself and get by on AFN 3,500 to AFN 5,000/EUR 37.30 to EUR 53.20 per month instead of having to spend at least AFN 8,000/EUR 85.20 on pre-prepared meals. But even that requires investment in gas cylinders and cooking utensils. The fact that IOM granted a deportee EUR 800 for household equipment is a good guide as to the sums involved in covering this need.<sup>233</sup> A warm blanket alone costs AFN 2,500/EUR 26.60. In addition to rental costs, there are costs for electricity and water which, according to the deportees, amount to between AFN 130 and AFN 750/EUR 1.40 and EUR 8 per month. Added to this, in winter there are also heating costs of AFN 20,000-25,000/EUR 212.90-266.10 per room for an average of three months using the standard mix of coal and wood. And in terms of cooking, it costs AFN 2,500/EUR 26.60 to purchase a simple oven. Above all, however, a lease requires guarantors either from sympathetic Afghan networks in Germany or locally. In this respect, there was an exception among the deportees of a man with a wife and children, who for that reason is much less affected by the mistrust to which single adult men, in particular, are exposed.<sup>234</sup>

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JAMAL K.: "I kept asking people in the market about flats and went to flat dealers. But they always ask so many questions. So I then made up stories to avoid having to tell them I had been in Europe and gave them the number of a friend who backed up my lies. But that wasn't enough for them and they kept asking and wanting guarantors. But I didn't have any."

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This option is not available to many deportees, not only because of the high costs involved but also owing to safety reasons and the need to protect themselves from identification. This also applies to shared rooms, which include student dormitories but also private rooms in which anywhere from three and 20 men sleep and for which between AFN 1,000 and AFN 15,000/EUR 10.60 and EUR 159.70 per month were charged.

231 This is the information given to a deportee who called there on 11.10.2020.

232 S. chapter III.2.3

233 The person concerned was not sure through which programme these funds had been granted. However, given the amount and the application process, it can be assumed that this was through PME by GIZ, cf. III.3.2.

234 Cf. Asylos 2017, Stahlmann 28.03.2018: 174ff.



In privately organised hiding places, deportees often pay not only rent but also for not being betrayed. While regular rented flats are available from AFN 5,000/EUR 53.20 per month depending on the location,<sup>235</sup> deportees sometimes have to pay up to AFN 8,000/EUR 85.20 per month in rent for a room even with close relatives who have their own living space – and sometimes they are required to pay the rent of the entire family to be allowed to stay there themselves. Among the deportees, up to EUR 300 has been demanded so far by relatives.



Communal dining and sleeping room in the restaurant © AMASO

In the case of landlords of hiding places who do not have a close relationship with the deportee, the amounts demanded are often many times higher. Generally, costs increase the more alien and unfamiliar with the area the deportees are, and the more conspicuous their stay in Europe is due to their behaviour or contact with foreigners.

Short-term arrangements and payment on a daily basis increase costs. In addition to hotels, this also applies to constantly switching tea houses and restaurants. Deportees resort to sleeping there not only when they do not meet the requirements for a regular rental contract but also when, for fear of being discovered, they want to avoid the more intense social and biographical scrutiny that comes with it.<sup>236</sup> A place

in a shared room without heating and adequate sanitary facilities costs AFN 400-500/EUR 4.30-5.30 per night. If one sleeps in the communal dining room, this costs AFN 200-300/EUR 2.10-3.20. However, one is obliged to have the daily meals there for an additional AFN 300-400/EUR 3.20-4.30.

The more insecure and public an accommodation is, the greater the risk of being identified spontaneously as a returnee from Europe and of suffering criminal violence. The latter is true to an extremely high degree for the homeless. But even in quasi-public accommodation or shared rooms, assault and thefts are a frequent occurrence, which in turn increases day-to-day costs. What particularly causes costs to rise is hasty relocation due to acute threats, such as when persecutors learn of the deportee's whereabouts, he is identified as a returnee or suffers violence by roommates. When renting, the deposit is therefore often lost; and even for those who did not have to pay a deposit because they were able to rent flats through acquaintances, this regularly meant double rent payments for that month or often losing the belongings.

As a result of the coronavirus pandemic, many lost their accommodation because these establishments had to close temporarily; deportees reported that accommodation was also denied or withdrawn after the temporary lockdown due to colds that were interpreted as Covid-19. This concerned accommodation with relatives or acquaintances as well as in shared rooms. Apart from hotel rooms, it needs to be assumed that there is no chance of maintaining social distancing nor of having access to clean water.<sup>237</sup> Nor is it imaginable that basic personal hygiene can be maintained in shared rooms and restaurants, simply because the sanitary facilities are more or less public.



Sanitary facilities at a restaurant © AMASO

235 This cheapest accommodation was on the outskirts of Jalalabad. The cheapest flat in Kabul at the outskirts of Dasht-e Barchi was listed at 150 USD.

236 Cf. AHRDO 2019: 16

237 Cf. OCHA December 2020: 15



Excluding costs due to illness, criminal assault, the need for bribes and other specific expenses such as obtaining documents, day-to-day expenses excluding rent amounted to at least EUR 80 per month – rising to an average of EUR 270 with rent but excluding heating and furnishings.<sup>238</sup> However, food prices, in particular, have risen due to border closures and disruptions in supply chains since the start of the Covid-19 pandemic. Contrary to expectations in April, neither income opportunities, income levels nor the food price situation had improved again despite the lifting of the measures to limit the pandemic as of November 2020.<sup>239</sup> While food prices are no longer at their temporary peak due to the border closures in 2020, they have increased persistently.<sup>240</sup>

## 1.4 Medical care

Another regular financial expense is medical care. Following formal entry, IOM provides a doctor at the airport to deal with any medical complaints or injuries sustained during the deportation flight, although the care the doctor can give is limited to treating simple wounds, a single dose of painkillers or help with nausea. Once deportees had left the airport, it was up to them to see to their own medical care.<sup>241</sup>

There are many reasons as to why deportees often require urgent medical care. One of them is because often those who are in actual need of treatment are deported. According to one MoRR employee, there is an

agreement between the German Federal Government and the Ministry of Repatriation and Refugees that seriously ill persons will not be deported and, if need be, not accepted in Kabul. However, so far only two people are known to have been denied entry due to illness.<sup>242</sup> Among those who were accepted, are several in acute need of treatment for whom diagnoses by German doctors are available. These include chronic diseases such as diabetes with a permanent need for insulin as well as hepatitis B and C. Those with injuries from occupational accidents, such as the hand injuries suffered by two deportees, were also accepted. One had been diagnosed as having permanently limited mobility of his hand; the other was arrested and deported on his way to the hospital for further treatment two weeks after his operation. Yet another was at risk of becoming deaf due to an ear disease if he was not operated. There are also a number of deportees for whom further investigation of acute medical complaints had been arranged but not yet undertaken. This includes one person who needed to undergo an eye operation in Kabul to save his sight.



Hand injury suffered shortly before deportation.  
Photo: private

238 This average also includes homeless people. The amount roughly corresponds to the prices for a one-bedroom flat of €160-180, for utilities of €20-25 and for living expenses of €100-150, as assessed by IOM in 2017. (cf. Stahlmann 28.03.2018: 234)

239 FSAC November 2020: 10

240 Cf. Amnesty International 30.03.2021, FSAC November 2020: 10, OCHA 17.03.2021: 7, SIGAR 30.04.2021: 128

241 Cf. chapter III.3.

242 In the readmission agreement between the governments of Germany and Afghanistan, the German government “assures to take duly into account [...] a severe medical condition, for which sufficient medical care is not available in Afghanistan or which does not allow for a safe return”. (Pro Asyl n.d.: 3) I do not know if there are further internal agreements.

Moreover, a large number of deportees suffer from acute or chronic mental illnesses and are therefore dependent on medication and treatment. These include severe depression, suicidal tendencies and one case of a borderline disorder. According to Pro Asyl, there have also been several deportations directly from psychiatric hospitals.<sup>243</sup>

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) also considers it an indication of relevant mental illness if returnees are held in security cells due to assumed suicidal tendencies. The Committee therefore requires that "persons at risk of self-harm and/or suicide or with mental health problems undergo a comprehensive medical assessment" by "an independent mental health professional".<sup>244</sup> Also deported were several drug addicts<sup>245</sup> and at least two who had had an abrupt withdrawal shortly before deportation but had not received further treatment. There have also been attempts to deport mentally disabled people, which in the two cases I know of were stopped at short notice due to political intervention after IOM and IPSO representatives confirmed that they had neither the resources nor the mandate to care for the persons concerned. However, since only a small proportion of the overall number of deportees is even known, it is unclear whether there were other cases that did not gain this publicity. Two deportees are known to have taken their own lives. In the case of one of them, there is only the statement of another deportee to go by, to whom the individual revealed his intention to commit suicide by overdosing on insulin. According to him, no autopsy was performed.

Moreover, injuries occur during deportation itself which are very common due to the violent nature of arrests and acts of self-harm. According to Abdullah Maleki (IOM), every flight includes at least two or three deportees who have injured themselves. This goes so far as to include the case of one deportee who was deported shortly after spinal surgery – an injury he had sustained when trying to escape arrest by jumping out of a window. While the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) did mention in its report that he was allowed to lie down during the flight due to acute pain, once again, essential follow-up operations were left pending.<sup>246</sup>

The fact that many deportees have a regular need for medical care is also due to the frequency of illnesses caused by a lack of access to clean water, sanitary facilities, protection from the weather, sufficient food, as well as extreme air pollution and social crowding.<sup>247</sup> These include respiratory diseases such as tuberculosis, whooping cough, different forms of pneumonia, asthma and COPD. Diarrheal diseases such as cholera, amoebic dysentery and rotaviruses are also extremely common. Other widespread diseases include typhoid, HIV, measles, malaria, meningitis, dengue fever, Crimean-Congo fever, various hepatitis variants and cutaneous leishmaniasis.<sup>248</sup>

Moreover, deportees are often in acute need of medical attention due to violent criminal assaults, attacks, hostilities, injuries sustained from explosive devices or assaults from their social environment.<sup>249</sup>

243 According to information provided by an employee by telephone on 09.10.2020.

244 CPT 09.05.2019: 15f.

245 Among them were alcoholics and heroin addicts.

246 CPT 09.05.2019: 16

247 Cf. ACCORD 07.12.2018, OCHA December 2020: 15

248 ACCORD 07.12.2018, OCHA December 2020: 85ff., Stahlmann 28.03.2018: 258ff.

249 S. chapter II

Only a very limited range of medical help is available in Afghanistan. For example, the Afghan government only spends USD 7 per capita per year on healthcare instead of the USD 30-40 per capita per year that is considered the international minimum.<sup>250</sup> This low investment is juxtaposed with the ongoing destruction and additional burden of hostilities on health facilities, further limiting access. For example, OCHA estimates that 310,500 war-related casualties will require hospital treatment in 2021 alone,<sup>251</sup> while 8 million people suffer from limited access to health care due to the closure of critical health facilities resulting from attacks in 2019 and 2020 alone.<sup>252</sup> In addition to acute injuries, there is also a risk of more longer-term consequences. In a survey, UNAMA found that 85 per cent of victims injured in the war suffered long-term physical disability and disfigurement.<sup>253</sup> There are also major shortages in terms of necessary follow-up treatment, rehabilitation and prostheses, which have increased because of the coronavirus pandemic.<sup>254</sup> 30 percent of the population has limited or no access to basic medical care within a two-hour travel radius.<sup>255</sup> The more specialised the need, the more limited the availability, if it exists at all. For instance, Afghanistan only has one CT scanner that is used for free examinations.<sup>256</sup>

In the wake of the Covid-19 pandemic, this extreme undersupply increased again. Due to a lack of testing no reliable data is available that even gives an approximation of the number of coronavirus infections, and excess mortality cannot be determined due to the non-existent registration of the deceased.<sup>257</sup> Nevertheless, an antibody study in July 2020 concluded that about one-third of the overall population and about 50% of Kabul residents were antibody positive.<sup>258</sup> The US government's Special Inspector General for Afghanistan Reconstruction (SIGAR) warned in April 2021 that the next wave could be imminent given the spread of a new variant,<sup>259</sup> which is currently expected given its dramatic spread in India and Pakistan.<sup>260</sup> The incidence of severe Covid-19 illnesses is also due to poor air quality, unavoidable social crowding, lack of sanitation and the weakening of the immune system of large parts of the population due to malnutrition and pre-existing illnesses.<sup>261</sup> According to OCHA while there are now 98 MV beds capable of supporting mechanical ventilation for Covid-19 patients, this only covers a small fraction of demand.<sup>262</sup> The low baseline of ventilators<sup>263</sup> also suggests an extreme shortage of specialised personnel, which SIGAR also says is a critical barrier to the care of Covid-19 patients.<sup>264</sup> Following a visit to Afghanistan on 12 November 2020, the ICRC Director General concluded that: "It is also clear that more than four decades of armed conflict in Afghanistan have left the healthcare system in the country unable to cope with the magnitude of needs. With Covid-19 adding yet another deadly threat, access to healthcare is among the most pressing humanitarian needs in the country."<sup>265</sup>

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250 HRW 07.10.2019

251 OCHA December 2020: 30

252 OCHA December 2020: 62, OCHA 17.03.2021: 38, cf. Watchlist on Children and Armed Conflict 2017

253 OCHA December 2020: 20

254 OCHA December 2019: 61 and December 2020: 30

255 OCHA December 2019: 61

256 Emergency International (n.d.)

257 OCHA 17.03.2021: 5

258 Deutsches Ärzteblatt 05.08.2020

259 SIGAR 30.04.2021: 127, cf. OCHA December 2020: 45

260 Cf. CNN (n.d.)

261 Stahlmann 27.03.2020, cf. Amnesty International 30.03.2021, OCHA December 2020: 15 and 17

262 OCHA December 2020: 31

263 Cf. Stahlmann 27.03.2020

264 SIGAR 30.01.2021: 125, cf. Stahlmann 27.03.2020

265 ICRC 12.11.2020

Consequently, Covid-19 patients are not only putting additional strain on hospitals but patients are also at risk of contracting the virus there. Funding has also been redirected away from public health support programmes in response to the coronavirus pandemic.<sup>266</sup>

With a nationwide capacity of only 320 beds in state and private institutions,<sup>267</sup> care for the mentally ill is also virtually non-existent. This stands in stark contrast to the millions who have been left mentally ill because of the war. A survey by Human Rights Watch in 2019 concluded that none of the casualties interviewed in Kabul, Herat and Kandahar received psychological care.<sup>268</sup> According to the study, one in five Afghans is unable to cope adequately with everyday life due to mental health illnesses.<sup>269</sup> On top of that, millions of drug addicts are also in need of psychological and medical care. Between 2005 and 2010 the number of opium addicts had already increased by 53 percent and heroin addicts by 140 percent to a total of around one million adult drug addicts.<sup>270</sup> In 2015, 13 percent of adults already tested positive for drugs and one in five households used opium or heroin.<sup>271</sup>

Many deportees failed to secure access to healthcare due to personal requirements, which include not only a Tazkira<sup>272</sup> but especially support from a social environment and considerable financial resources.<sup>273</sup> Social support is needed in the hospitals to accompany and register the sick or injured as well as often to provide nursing care, food and, last but not least, obtain medicines since the clinics, apart from a few exceptions, do not provide these services themselves. If no support is available, the only option is to look for someone who is then paid to help. Even in state hospitals, the high cost of drugs, diagnostics and treatment is a financial hurdle.<sup>274</sup> Although treatment in state hospitals should be free of charge, the Ministry of Public Health estimates that 74 percent of healthcare expenses are paid for privately.<sup>275</sup> Added to this are costs for transportation and nursing care. According to a survey by Médecins Sans Frontières conducted among patients in 2014, 19 percent had lost a friend or relative within a year due to lack of medical care, a third of those for financial reasons. In 2018, the percentage of those who had lost a friend or relative within a year had risen to 42 percent of all respondents in a Herat hospital, of whom 81 percent cited costs as the biggest barrier to access.<sup>276</sup> Health-threatening poverty is also evident in the fact that 79 percent of internally displaced persons cannot afford soap.<sup>277</sup> During the first wave of the coronavirus pandemic, oxygen tanks were being sold for up to USD 300.<sup>278</sup> Displaced persons report the costs of treating Covid-19 symptoms without testing and an inpatient stay or need for oxygen of AFN 14,000-16,000/EUR 149-170.30. A chest x-ray of a deportee taken at the French Medical Institute for Mothers and Children cost AFN 5,500/EUR 58.50. In the case of one deportee, the outpatient treatment of a hand injury cost AFN 30,000/EUR 319.30, another paid AFN 32,300/EUR 343.80 for an eye operation and one paid AFN 9,222/EUR 100 for medication to treat a

266 OCHA December 2020: 22

267 OCHA December 2020: 33

268 HRW 07.10.2019

269 Ibid.

270 UNODC 21.06.2010

271 SIG Global 2015: 4 and 30

272 OCHA December 2020: 16

273 Asylos August 2017: 55ff., IOM 2014: 23ff.

274 OCHA December 2020: 38

275 HRW 07.10.2019

276 MSF February 2014: 8 and MSF March 2020: 11. Since both surveys were conducted among visitors of the participating hospitals, these figures are predictably higher in the overall population.

277 OCHA December 2020: 103

278 Gerner 13.06.2020

gastric ulcer. These figures do not even include the costs for getting to the doctors and hospitals, or the costs for nursing care. Like all other known diagnoses and treatments, the above could only be carried out because private supporters in Germany covered the costs.

The unpredictable and often extremely poor quality of healthcare services increase costs further. This applies both to the often completely inadequate diagnoses in private diagnostic centres and clinics in cities such as Herat and Kabul<sup>279</sup> as well as to the available medication. A problem that has persisted for years, and is almost impossible to solve because of the high profit margins, is the illegal import of often counterfeit medicines and medical equipment, which are often not only ineffective but sometimes dangerous.<sup>280</sup> This poses a high risk, as experienced by one deportee whose young son died after a pharmacist injected him with an expired medicine for adults. In most cases, however, deportees cannot judge whether treatments are not working because the diagnoses are incorrect, the drugs are of poor quality, or effective treatments are not available in Afghanistan.

The quality of psychiatric care is even poorer. According to the WHO, officially there is just one psychiatrist for every 435,000 people.<sup>281</sup> However, Liza Schuster warns that such qualifications are sometimes bought abroad. Regular treatment often consists of tying the sick to the bed or locking them in cages.<sup>282</sup> Matthew Rodieck (GIZ/PME), who was director of a provincial hospital for two years and worked for the Afghan Ministry of Public Health for 14 years, stressed that in all that time he had never encountered a trained psychiatrist, which he believes also has something to do with the fact that this specialisation does not yet exist as a medical field in Afghanistan.

Poor quality also increases costs because the sick often have to visit a large number of doctors and try medications before they may finally find help. In the case of the deportee who needed an eye surgery, this involved visiting ten hospitals. Deportees with pre-existing conditions are also often unable to access previous diagnoses because these remain in Germany and would also require translations.<sup>283</sup> If they are able to provide these diagnoses, this in turn increases costs because it is assumed that they have significant financial resources due to their stay in Europe.<sup>284</sup>

Experience has shown that reliable medical help is only available abroad. According to the Ministry of Public Health, Afghans raised an estimated USD 300 million annually in 2017 to seek treatment outside of Afghanistan.<sup>285</sup> Just how desperate decisions to do so often are is revealed by the fact that, as long ago as 2014, 65 percent of those who sought medical help in Pakistan financed it through loans or the sale of property.<sup>286</sup> As Abdullah Maleki (IOM) pointed out, in addition to considerable financial resources, this also requires social support to accompany and care for the patients.

279 Cf. MSF February 2014: 38f., Pajhwok 29.08.2017, Ziaratjaye 07.04.2017

280 Stahlmann 28.03.2018: 263f.

281 HRW 07.10.2019

282 Asylos August 2017: 54

283 Cf. IOM 2014: 24

284 Cf. Refugee Support Network 2016: 45f.

285 Khaama Press 11.07.2017

286 IRIN News 02.07.2014

## 2. FAMILY SUPPORT

While wider social networks are of vital importance to control and manage resources, cope with crises, and organise protection and enforce rights, nuclear families as the smallest socio-economic unit and close relatives provide the basis to get by in everyday life. Consequently, the cohesion of nuclear families, which in Afghanistan usually includes parents, grandparents, spouses, children and unmarried siblings, traditionally serves not only to provide day-to-day care for children and the elderly, nursing care in cases of illness and the necessary division of labour in everyday life but also to save costs by sharing expenses for accommodation, heating and electricity. This necessary cooperation is also reflected in the emergency coping strategies employed by households to ensure food security such as taking children out of school to work, beg or gather heating fuel, marrying off girls or sending unmarried men abroad as migrant workers. The vital importance that families hold for the protection of individuals is not new.<sup>287</sup> The more crisis-ridden the general situation is, however, the more acute the threat to individuals becomes if they cannot rely on family support in their daily lives. Also indicative of this is the observation in the Seasonal Food Security Assessment 2019 Report that larger households are less affected by food insecurity than smaller ones. While this seems counterintuitive at first, since larger households require more resources, it can be explained by the fact that they have more options when it comes to employing such coping strategies.<sup>288</sup> The support of other relatives, such as uncles, aunts or cousins but also sisters and in-laws, is not only crucial in strengthening the resilience of the family network and thus an individual's own prospects of survival through mutual support; without this cohesion, even essential economic and social investments, which include marriages but also the mitigation of crises and sharing of risks such as absence from work due to illness or unemployment, the costs of fleeing and such like, are not possible. Richard Danziger, the then Chief of Mission for IOM in Afghanistan, was quoted as saying in 2015 that without known family and social networks, it is almost impossible to survive in Afghanistan.<sup>289</sup> In a resolution on the situation in Afghanistan in 2017, the European Parliament emphasised that "repatriations to Afghanistan put the lives of returnees at grave risk, in particular those of single persons without a network of family or friends in Afghanistan who stand little chance of survival."<sup>290</sup> In their analysis of the return experience, Oeppen/Majidi conclude that: "Practical aspects of reintegration (protection, accommodation and employment) were contingent on social networks."<sup>291</sup>

This everyday need for a supportive family network not only excludes deportees without a family in the country; as Abdullah Maleki (IOM) pointed out, such a network is also particularly relevant at the individual's actual place of residence: "If somebody is say from Kabul province and then you are sending him to Jalalabad, because Jalalabad is safe and Kabul is not, an internal relocation, it doesn't work because you are detaching him from that network." The analysis of the deportees' experiences by Schuster/Majidi also confirms that: "'internal relocation' is not feasible in the Afghan context due the essential role played by family networks."<sup>292</sup>

287 Cf. Stahlmann 28.03.2018: 205ff.

288 FSAC 29.03.2020: 13

289 Rasmussen 06.10.2015

290 Europäisches Parlament 14.12.2017: 9

291 Oeppen/Majidi July 2015: 4

292 Schuster/Majidi 2013: 12



However, in the survey and interviews I did not exclude assistance from relatives in other areas of Afghanistan in regards to the question about humanitarian protection, but rather asked about the deportees' experiences with family members in Afghanistan. Detailed questions related in particular to the ability and willingness to provide support, the type and duration of support provided, the conditions that deportees had to meet for support and reasons for refusing traditionally expected support.

## 2.1 Basic requirements: existing contact and ability to provide support

The first prerequisite for family support is that deportees are in contact with relatives or at least have information about their whereabouts. This cannot be taken for granted:<sup>293</sup> of the 53 deportees who assume that they have family in the country, six stated that they did not know where their relatives were. This is a typical consequence of war given the large-scale displacement, the financial and practical hurdles to maintaining contact and the non-existent registration of the deceased.<sup>294</sup>

The more distant the relatives are, with whom there is often less frequent contact anyway, the greater the risk becomes of losing touch with each other. But there is also the issue of loss of contact with nuclear families. Indeed, many deportees are still hopeful about receiving information about their whereabouts or at least about the fate of their parents and siblings. Consequently, one deportee, who is not included in the statistical analysis because he was deported before 2016, is still searching for his parents and trying to get news about their whereabouts in refugee camps where people from his region of origin live. He is aware that his search is likely to be in vain, but he cannot simply abandon his search: "I can't give up. They're my parents. You have to search for your parents. I need to know what happened." Others were told by more distant relatives that it would no longer be worthwhile continuing to search for their parents or siblings. Still, the question of what has become of them haunts them. Contact can also break off within a short span of time. For example, following his deportation, the family of one deportee warned him not to return home because the Taliban had already been at their home wanting to arrest him for seeking refuge in Europe. Instead, he was told he should flee. Shortly afterwards, contact broke off permanently.

Where contact exists, the question is whether relatives are capable of providing support. As Abdullah Maleki (IOM) pointed out, not every social network is able to take in deportees. On the one hand, this has to do with the available resources. In light of the humanitarian crisis, the ability to provide support cannot be assumed, and the families of deportees belong to a particular risk group having financed the original flight to Europe.<sup>295</sup> On the other hand, the inability often reflects a traditional hierarchy of support eligibility: the more distantly related someone is, and the less likely that person is to be considered vulnerable due to age, gender or illness, the less likely they are to be considered eligible for support;<sup>296</sup> even defenceless children and women can only expect help from more distant relatives if their own vulnerable members are taken care of first. For example, one deportee whose children remained in Afghanistan reported that relatives who had cared for them as long as he could send money from Germany stopped all support following his return, even though he and

293 Cf. Dupree March 2004, Edmund Rice Centre 2004: 4f., Majidi November 2017: 13f., McClenaghan (n.d.), Refugee Support Network April 2016: 22, Van Engeland quoted in *Asylos* August 2017: 41

294 According to McClenaghan (n.d.), the Red Cross was only able to locate the families of unaccompanied refugee minors in Afghanistan in eight out of 228 cases over a two-year period.

295 On the costs of fleeing and the risks posed by outstanding debts of deportees cf. AHRDO 2019:17, *Asylos* August 2017: 38, Echavez et al. December 2014: 22f. and 29, Ghafoor 15.10.2017, Gladwell September 2013: 62f., Gladwell/Elwyn/UNHCR 2012: 27, Schuster/Majidi 2013 7ff., Schuster/Majidi 2015: 7, Van Engeland quoted in *Asylos* August 2017: 41

296 For the discussion on gendered expectations towards men s. Echavez/Mosawi/Pilongo 2016



his children were starving as a result. For the same reason, deportees have no guarantee that they are taken in by married brothers as this would require that there were sufficient means to support a grown-up man in addition to a wife, children and possibly elderly parents. Since 93 percent of households were dependent on help themselves even before the economic downturn caused by the Covid-19 pandemic,<sup>297</sup> additional dependents cannot be expected to be provided with food. Such a ranking of the commitment to provide support also exists in respect to other resources, such as housing or employment in family businesses, from which sons can benefit first and only then more distant relatives.

## 2.2 Willingness of more distant relatives to provide support

Deportees usually have very limited expectations of the type and scope of humanitarian protection or support for reintegration that they might realistically receive from more distant relatives.<sup>298</sup> Although there is traditionally a religious and social duty to help those in need, there is no personal expectation of being able to benefit from resources of more distant relatives. While there is an expectation that, for example, the young man from the countryside will be taken in by his paternal uncle in the city for a few days at his father's request and, if possible, given assistance in finding a job and settling down – and there is also a traditional expectation that in the event of an accident or illness, he will be accompanied to the hospital and cared for without hesitation – a paternal uncle cannot be expected to take in a deportee in the medium term and pay for his everyday expenses. This is all the more true in the case of the maternal family and married sisters, since women become part of their husbands' families when they marry, thus leaving the mutually supportive circle of their birth family.<sup>299</sup> "Yes, my sister lives in Kabul, but I've only met her once. She can't help, but that's not the job of sisters either," said one deportee to me in Kabul. There are also social reasons for the refusal to accept more distant male relatives, since the presence of a man with whom marriage would not be excluded due to marriage taboos is a major practical restriction in everyday life for women and girls of the family. Furthermore, since the outbreak of the coronavirus pandemic, each additional person in the household poses an increased risk of infection to everyone else, given the already confined living conditions – something that has also led to the loss of accommodation.

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JUMA Q.: "I was with my uncle and aunt for a short while, but then Covid came and I couldn't stay. I am a risk to them. Since then I've been living on the street."

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However, if an uncle's family is financially secure and there is a chance of repayment by the deportee, he might be expected to lend money to his nephew to pay a rent deposit if it is asked for by the deportee's father. In practice, however, according to social standards this only comes into question if there are at least friendly relationships between the family members and established trust in reciprocal support. Access to resources of more distant relatives and wider social networks is all the more dependent on long-term trust as well as long-term reciprocal relationships, and the assumption of responsibility in collective tasks such as local security. Therefore, actual trustful social relationships with relatives are a key requirement for securing temporary assistance.

The vast majority of those who said they did not have a family in Afghanistan grew up in neighbouring Iran and Pakistan. When I enquired whether there were not at least more distant relatives whom they could turn

297 OCHA June 2020: 15

298 Cf. Stahlmann 28.03.2018: 197ff.

299 An exception to this would be advocacy on behalf of a wife by men of her family of origin in conflicts with her husband's family.

to at least in the short term, the usual answers<sup>300</sup> were “they don’t know me” or “we have no relationship”. That does not necessarily mean they don’t know their names; rather, it describes that such relations do not offer any hope for an offer of support unless relationships and basic trust had actually been established. Most of the returnees from Pakistan and Iran who returned after 2001 and still had families in Afghanistan could hardly count on their support.<sup>301</sup> In 2012 the UNHCR stated that after 2001 up to 60 percent of those returning from neighbouring countries had failed to reintegrate successfully.<sup>302</sup> Crucial to negotiating support and maintaining relationships with wider family and local networks as well as authority figures includes the support and mediation provided by the older men in the nuclear family. This is because these older men represent the bridge to the wider social networks, and in turn they represent the family towards the social environment. This applies not only to negotiations in cases of conflict but also to access to resources in wider social networks – be it offering family members temporary accommodation with relatives, the arranging of marriages or the guaranteeing of a person’s reputation or creditworthiness.<sup>303</sup> Even in the case where deportees were taken in on a very short-term basis by relatives, this usually had to be negotiated in advance by the deportee’s father. However, if the father has died or cannot be reached for other reasons, or is unwilling to provide support, it cannot be assumed that the deportee will be taken in even for a very short-term period.

There is also no guarantee that close relatives will adhere to social expectations. For example, one deportee was initially taken in by his uncle in return for rent but then the uncle took the opportunity to move in with his second wife and left the deportee to look after the first wife, his aunt. Even when she fell ill with Covid-19 and died, the uncle denied any responsibility for the costs of the treatment and the funeral. Even if, as in this case, the uncle was a primary caregiver of the deportee in his childhood and adolescence, it cannot be assumed that this will lead to support. Several deportees also reported that their fathers had asked their brothers and other close relatives to take them in for a short while, but found that they wanted nothing to do with them.

For other deportees, the uncle is a stranger who, in might be anxious that his inheritance will be disputed by the returning nephew. Conflicts over the (grand)paternal inheritance are particularly common among brothers and cousins. In the case of deportees or other exiles, this potential for conflict is often increased by the fact that, because they have fled the country, the rights to use the family property have been transferred to close relatives or at least practically claimed by them.<sup>304</sup> The concern is therefore that deportees could reclaim their inheritance upon return. Even if they do not intend to do this, it does not protect against rejection or even outright violence. In one case, the family of the deportee’s cousin arranged for him to be beaten up to prevent him from claiming his father’s flat which they had benefited from financially through renting it out.

However, the most common reason for denial of assistance such as accommodation was the risk of the deportees endangering their relatives. This is not only due to the mistrust to which deportees are exposed because they are stigmatised as “westernised” and supposedly criminal;<sup>305</sup> it is also due to the risk of danger from third parties – be they criminals or persecutors. This also applies if relatives do not live in the same place as the persecutors, since staying with relatives cannot be kept secret from visitors from the home region. This is why it must be assumed that persecutors will also find out about this. To be discovered would also put the hosts in danger of being persecuted.<sup>306</sup> For example, one deportee who has relatives in Kabul reported that

300 There were also cases in which unresolved conflicts between the family in Iran and the relatives in Afghanistan were named as reasons for exclusion.

301 Cf. APPRO 01.04.2014: 12, Bijelica 29.03.2016, NRC/IDMC/Samuel Hall 24.01.2018: 10, Kantor/Pain 2010, Saito July 2009, UNHCR 01.09.2013

302 Schmeidl 2016, cf. Roehrs 09.03.2015

303 Cf. Stahlmann 28.03.2018: 208ff.

304 Cf. Van Engeland in *Asylos* August 2017: 40

305 S. chapter II

306 S. chapter II

he avoided the district where they lived. His mother knew he had returned, but he did not meet her because cousins, who had joined the Taliban in their home province and were using this alliance for a private conflict, had already murdered his father. If he were to meet his mother, she would also be in danger from the cousins. Susanne Koelbl documented the example of Mohammad Sarvari, whose father was shot decades ago by followers of Hekmatyar. The perpetrators wanted to prevent Sarvari from taking revenge but threatened not only him but also Shamsuddin, his father's friend who had initially taken him in. "Mohammad doesn't even know what retaliation means," says Shamsuddin. But Hekmatjar's commanders are just as dangerous today as they've ever been. [...] 'Take Mohammad back to Germany,' pleads Shamsuddin. The boy has become a danger to the whole family; ten people in this house could now be targeted because of Sarvari."<sup>307</sup>

Thus, even deportees who have kind relatives in Afghanistan have received only very short-term humanitarian support from more distant relatives (apart from one deportee who stayed with his aunt). If deportees were able to stay as long as space was available, they had to pay rent and usually had to remain in hiding.<sup>308</sup> The deportees' direct benefit thus had to outweigh the risk they posed.

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NAVID B.: "I was able to stay with my uncle. He has a large house in Kabul, and my father asked if I could. But I wasn't allowed to leave the house and he wanted 8,000 afghani in rent from me."

F. S.: "Even though he owns the house?"

NAVID B.: "Yes, even though it's his house."

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### 2.3 Willingness of nuclear families to provide support

As Christina Hiemstra (IOM) noted, the deportees' next of kin are often unwilling to take them in even if they were able to provide support. This was also reported by deportees as part of this survey.

The analysis of the deportees' accounts reveals that this refusal, and with it the risk of not receiving the vital support of the family which is essential for survival, corresponds to the pattern of disappointed expectations. Although members of a nuclear family are traditionally obliged to support each other, this support does not apply unconditionally; rather, it is also dependent on the person concerned not disappointing the expectations placed in them. These expectations are distributed differently within a household according to the different roles in traditional, and especially in practical terms. Consequently, in addition to physically defending the family and protecting women and children, younger men are primarily responsible for generating income.<sup>309</sup> The expectation to put the family's interests first, above their own, goes very far and ranges from consenting to strategically helpful marriages to demanding that they put their own life on the line by joining local fighting units defending the village, fighting for the Taliban to protect the family from reprisals or embarking on the life-threatening path to exile to secure the family's survival. Such expectations also include the demand to give up a secure future in Europe as part of a voluntary return to offer protection to women who have become defenceless because brothers or fathers have died, or to return to accompany relatives on their journey out of the country. Since many families suffer from a shortage of men anyway due to the war and the need to go into exile, such scenarios are not uncommon. The many Covid-related deaths among the grandparents' generation further exacerbate the problem. Even the parents of women who got engaged before the flight of the deportee often insist on the marriage because they are no longer able to provide for their daughters. Two deportees were thus forced to enter into previously agreed upon marriages despite lacking funds themselves.

307 Koelbl 18.08.2017

308 Cf. Echavez et al. December 2014: 29

309 Cf. Echavez/Mosawi/Pilongo 2016

In the deportees' case, the original reasons for leaving the country are sometimes the cause for disappointed expectations. Leaving to escape an arranged marriage or eloping with a girlfriend, not joining the fighting as having been asked to and thus putting the rest of the family in danger, or resisting the father's authority in some other way - following their return deportees described these as reasons for not even attempting to make contact. The fathers would anyway be obliged to punish them simply because their authority was called into question publicly.

But even those who did not flee owing to persecution are often unwelcome because expectations have been disappointed. This is also based on local ignorance about European asylum law practice and a widespread assumption that only criminals or terrorists are deported.<sup>310</sup> While it is well known regarding Iran or even Turkey that the chance to stay is a matter of luck, given the high expectations pinned on European rule of law, it is not considered credible that assessments of the situation in Afghanistan under asylum law diverge to a large extent within Europe and even within individual countries.<sup>311</sup> In Afghanistan it is incomprehensible to hear that one young man from the village receives protection and a work permit in Europe but another does not. The fact that countries like Germany do not consider the general level of violence in Afghanistan to be a relevant threat is also not credible, if only because of the relatively low number of deportees compared to Iran or Turkey. In contrast, the deportation of criminals often emphasised in both the German and the Afghan media<sup>312</sup> offers a factually inappropriate but plausible rationale for who is and who is not deported. Even one MoRR employee pointed out that most of the deportees were criminals, had a bad reputation and were stigmatised. Nooria Farhangi (ACE) confirmed this: "There is this general mistrust. You need relationships, that's sort of basic condition and then the deportees have a particularly bad name, because people expect them to be criminals. That's what people believe why they were deported. That's actually an understanding among the families and in their social contexts, when someone is coming from Europe if he is not voluntary, he is perceived as someone who is unable to do anything, who is a failed person." Feedback from those who have entered the country voluntarily indicates that this stigma affects them as well unless they have a permanent residence permit in Europe and are only visiting.<sup>313</sup>

These assumptions have considerable consequences for the relationships between deportees and their families. Since many deportees supported their families through remittances from abroad prior to their deportation, deportation often means, in practical terms, the end of vital financial security for the relatives at home. Consequently, this means the end of the practical basis for them being able to protect themselves as best they can from violence by, for example, buying men out of recruitment, compensating losses from criminal attacks, fulfilling extortion demands, avoiding violence from lenders or financing a temporary getaway. Therefore, deportees are not only considered failures but are also accused of bringing the deportation on themselves by having committed crimes and thus negligently endangering their families.

Not having lived up to these expectations often also contradicts the expectations returnees have of themselves, so much so that many are reluctant to make contact with their families for this reason alone. As Van Engeland points out: "Another issue lies with honour: families and communities made a lot of sacrifices for these asylum-seekers to leave the country. It makes it impossible for an individual to go back home without being successful. Such conception of honour might be difficult for us to apprehend, but they explain

310 Cf. Amnesty International 28.08.2019, Gladwell/Elwyn/UNHCR 2012: 27, Sadat 07.02.2017, Refugee Support Network April 2016: 23, Schuster/Majidi 2013: 12

311 Cf. ECRE 12.03.2021: 2 regarding the highly divergent recognition rates within the EU.

312 Cf. Stahlmann 28.03.2018: 318

313 Cf. chapter IV.1, Stahlmann 28.03.2018: 301ff.

why many returned Afghans end up being homeless or commit suicide.”<sup>314</sup> Ahmad Hussein (GIZ/PME) also explained that most returnees chose not to return to their provinces of origin. He said that there are several reasons for this: the shame of having failed as well as issues with debt, which is also a security problem. And he emphasized that social problems were security problems too. For example, people would not go back to their hometown because they had lived in Germany for five years. And Majidi writes: “Even for returnees with family in Afghanistan, social stigma can prevent refugees from benefiting from these networks. [...] This reflects the fact that migration is often a whole-family economic strategy, a collective investment that requires repayment. Some returnees thus see remigration as the only viable option and attempt to raise the funds to leave again, restarting the cycle.”<sup>315</sup>

Many of the deportees reported that it took them days or weeks to muster the courage to contact their families. Several described that they first contacted their mother or brothers and asked them to find out whether they dare meet their fathers again. They did not always receive a positive response. Sometimes, relatives or family friends living in Europe take on the role of mediator and vouch for the reputation of the individual concerned – provided that they have not actually committed a criminal offence and have not attracted attention through morally inappropriate behaviour. However, even permission to return is no guarantee of protection against possible violent punishments by their relatives or expulsion from their families.<sup>316</sup> A further justification for rejection and a source of violence is condemnation for assumed immoral behaviour that harms the family’s reputation, thus further disappointing expectations. As Van Engeland documents, these grounds for exclusion based on their stay in Europe can be seemingly trivial: “[...] anyone who has become different during the trip abroad will be rejected by society: speaking with an accent, engaging into conversation when not talked to, dressing differently, going to the gym, using Skype to speak to friends abroad are all examples I have encountered that have justified family exclusion.”<sup>317</sup> This is exacerbated by dangers provoked by the “westernised” and often socially and culturally offensive behaviour of deportees as well as the potential threat from the Taliban and from lenders who financed the deportees’ migration to Europe.<sup>318</sup> As many as 17 of the 47 deportees who knew about whereabouts of their families were either threatened by their relatives or contact was denied, while only the relatives who were the relatively most sympathetic towards the deportees were considered in each case. Yet even those families who are happy to be reunited and who are generally sympathetic often do not allow more than a brief visit for security reasons or prefer to meet at the deportee’s hiding place.<sup>319</sup>

This is also reflected in the information provided on accommodation options. While 17 deportees also mentioned accommodation with acquaintances or relatives where it was publicly known that they were there, it almost exclusively concerned short-term visits to hometowns where the arrival of the deportees could not be concealed. Many more stayed hidden with relatives, acquaintances or, through their arrangement, third parties:

314 Van Engeland quoted in *Asylos* August 2017: 41, cf. Amnesty International 28.08.2019, EASO September 2020: 5, Lobenstein 27.11.2019, Schuster/Majidi 2013: 12

315 Majidi November 2017: 14, cf. Schuster/Majidi 2013: 7ff.

316 Cf. chapter II

317 Van Engeland quoted in *Asylos* August 2017: 41, Cf. Ghafoor in *Asylos* August 2017: 38, Gladwell/Elwyn/UNHCR 2012: 28, Schuster/Majidi 2013: 12

318 S. chapter II. Cf. Van Engeland: „Families who sent a young man abroad expect success and remittances. This is why families sacrifice everything they have – houses, lands, cattle – for one member of the family, usually the male, to go abroad and provide for everyone. By doing so, I have seen fathers taking the risks of having to sell his daughters into slavery if the son sent abroad didn’t success.” (Van Engeland quoted in *Asylos* August 2017: 41). On the risks posed by outstanding debts of deportees cf. *Asylos* August 2017: 38, Ghafoor/AMASO 15.10.2017, Gladwell/Elwyn/UNHCR 2012: 27, Schuster/Majidi 2013, Schuster/Majidi 2015: 7

319 Cf. Ghafoor in *Asylos* August 2017: 38, Refugee Support Network April 2016: 20

TABLE 4: ACCOMODATION OPTIONS (N=144)\*<sup>320</sup>

	Absolute number of mentions	Percentage
<b>Hiding places</b>	<b>95</b>	<b>66.0</b>
Regularly changing sleeping places (hotel, simple hostel, mosque) <sup>321</sup>	37	
Relatives/acquaintances	40	
Other private hiding places	18	
<b>Publicly known</b>	<b>28</b>	<b>19.4</b>
Acquaintance/family	17	
Rented place	1	
Shared room	4	
Student dormitory	4	
Military camp	1	
German Children's home	1	
<b>Without basic protection from the weather</b>	<b>21</b>	<b>14.6</b>
Homeless	18	
Informal settlement	3	

\* Due to the short-term nature of many accommodation options, multiple answers were given too

It is therefore not only the lack of opportunities in the labour market but also the demands placed on deportees by their families or landlords to remain in hiding that prevent them from fulfilling the expectation of making themselves useful to the family. To give an example, one deportee, a trained car mechanic, found temporary employment with relatives who own a workshop in Kabul. After a few weeks though, the threat posed by the returnee's public presence became too great for the family. They therefore decided that, also for the sake of his family's safety, he should leave the country again and remain in hiding until then. Overall, not a single deportee gained living wage employment through his social networks. Where deportees were only visiting for a short while, this was, apart from a few exceptions, only possible on the condition that they stay in hiding and pay rent.<sup>322</sup> If deportees receive private financial support from abroad or can at least credibly demonstrate that the family will benefit from them again because they can return to Germany through the visa application process, this significantly increases the prospects of finding accommodation with relatives

<sup>320</sup> In each case, it was asked whether the accommodation was available permanently or only temporarily, and if only temporarily, why so. S. Annex II

<sup>321</sup> These were listed under hiding places if the deportees chose these expensive temporary accommodation options out of fear of being discovered and identified as deportees by entering a regular tenancy. (Cf. AHRDO 2019: 16)

<sup>322</sup> Cf. Refugee Support Network April 2016: 20

or, through the arrangement of their families, with acquaintances. Some voluntary returnees report that they were allowed to remain in hiding with relatives until they received the second instalment of return assistance and handed it over to them.

This pattern is also evident among the three families who were willing and able to support deportees for longer than three months: one man was forced to flee again because of the threat from third parties; the second was sent abroad again with his brother after a year of trying unsuccessfully to find employment; and the third, who was taken in by his aunt who works for a human rights organisation and therefore does not take issue with his stigmatisation as being “westernised”, is planning to return to Germany through the visa application process and is receiving help from private supporters in Germany.

### 3. HUMANITARIAN AND RETURN ASSISTANCE

Many Afghans are in dire need of humanitarian assistance for their survival. Without humanitarian assistance and targeted investment in local development, the number of people in hunger would have been many times higher in recent years and so, too, would the number who have starved and frozen to death or died of curable diseases. Measured against need, however, humanitarian assistance for Afghanistan has for years been marked by blatant underfunding. In 2020 only half of the acutely needed funds were made available even though the number of those projected to receive aid was, at 11.1 million, significantly lower the 14 million in need.<sup>323</sup> For example, assistance only reached 356,000 of the 570,000 returnees in need.<sup>324</sup>

In addition to general humanitarian assistance, there are programmes designed to facilitate the return and reintegration of deportees by providing temporary partial financing for accommodation costs, support for business start-ups or internships. These include the RADA (Reintegration and Development Assistance in Afghanistan) project, which is financed by the EU and implemented by IOM, the GIZ Program for Migration and Development (GIZ/PME) and individual return assistance coordinated by IRARA as part of the ERRIN programme (European Return and Reintegration Network).

Mapping possible institutional support services is complicated for several reasons: many projects have funding caps, often very limited project durations, and official documentation and available analyses often fail to mention access requirements and exclusion criteria. For example, while IRARA’s ERRIN flyer on Afghanistan states that those who want or need to return to Afghanistan may “perhaps” be eligible to benefits under the programme,<sup>325</sup> it does not specify what this access depends on.

IOM did make an effort to compile a list of service providers and hands it out as a flyer at the airport upon arrival. However, Abdullah Maleki (IOM) pointed out that even the organisations listed may not provide assistance, and the flyer itself also notes that the respective service providers “may apply eligibility criteria”.

Consequently, the question arises whether and under what conditions deportees have access to general humanitarian assistance or assistance directed at returnees, and to what extent these services provide solutions or approaches to vital issues such as unemployment, costs for accommodation and medical care, and protection from persecution.

323 OCHA 17.03.2021: 4

324 OCHA 17.03.2021: 6

325 IRARA (n.d.)



### 3.1 Consideration of deportees by general aid programmes

One of the hurdles in accessing general humanitarian assistance is that both humanitarian initiatives and development assistance projects are usually targeted at local communities and depend on them for implementation. The representatives of these communities are often responsible for registering households in need of assistance.<sup>326</sup> To be listed as eligible, a person usually thus has to be a member of a locally integrated family and have been taken in by it.

The requirement to belong to a social community also applies to IOM's RADA programme which, apart from the AFN 12,500/EUR 133 cash-in-hand payment given to deportees at the airport<sup>327</sup> as well as the provision of a doctor there, is not targeted at individual returnees. Instead, it aims to strengthen local communities that are particularly affected by returnees.<sup>328</sup> Christina Hiemstra (IOM) pointed out: "If someone arrives in Kabul and plans to stay because he doesn't know where to go, he couldn't just come to IOM and ask to enroll in a program, because that's not what we do. We are not working to respond to individual returnees, but they are collective community-based programs." "You cannot go to an IOM office and ask for a job. You receive 12500Afn and you are on your own."

Even if deportees happen to be in a local community where such a project is implemented, it can be assumed that deportees would lose out if only because they would not be seen as particularly in need of support due to the stigma of having resided in Europe, distrust as to the reasons for their return and the widespread belief that returnees from Europe are affluent.<sup>329</sup> However, this is hardly verifiable due to the social exclusion that is practised anyway and undermines the deportees' return to their places of origin.

Deportees from Europe are not a separate target group in any aid agency programme. Abdullah Maleki (IOM) described the problem as follows: "We did this mapping exercise with over hundred organisations and everyone had its own target. Every organization that is active in Afghanistan has its specific mandate, its specific target, its specific community. They are not for the returnees from EU countries."

This also has to do with the fact that the absolute number of deportees from Europe is low, which makes them a quantitatively negligible group and not very attractive for programmes and projects. In characterising programmes and projects, Ahmad Husseini (GIZ/PME) also pointed out that these are usually designed in such a way that they serve the majority of the population. Even if deportees from Europe were to reveal themselves, they would not appear as a separate category in systematic household surveys due to their small number.<sup>330</sup>

This does not preclude consideration of particular vulnerability characteristics by aid agencies. Given the limited resources, measures are often restricted to those who are particularly disadvantaged among the vulnerable.<sup>331</sup> This pattern is also evident in the particular vulnerability characteristics according to which many deportees from Turkey or EU countries other than Germany, for example, have received assistance

326 This often also applies to aid from private sources, cf. Kazemi 16.05.2020.

327 According to Christine Hiemstra (IOM), this is the same amount that returnees receive at land borders. The only difference is that not all returnees at land borders benefit from this.

328 Cf. IOM 23.12.2020

329 Cf. Echavez et al. December 2014: 29, Ehl 26.05.2019, Ghafoor in *Asylos* August 2017: 37, Gladwell September 2013: 63, Gladwell/Elwyn/UNHCR 2012: 37f., IDMC/Samuel Hall/NRC December 2017: 7f., Schuster/Majidi 2013, Stahlmann 28.03.2018: 236f., Van Engeland in *Asylos* August 2017: 40, Walsh 05.12.2010

330 Cf. studies quoted in OCHA December 2020

331 For a discussion of various criteria of vulnerability cf. OCHA December 2020, cf. Amnesty International 31.03.2021.

with accommodation costs under the PME programme. These include households with several children or those run by single parents, returnees with disabilities and medical needs, returnees who cannot join their families for safety reasons, single women and unaccompanied minors.<sup>332</sup> The fact that particular vulnerability characteristics among men are often not considered, as Christina Hiemstra (IOM) pointed out, also has to do with the difficulty in assessing these vulnerabilities: “It is very difficult to assess vulnerability in young men. Victims of trafficking, victims of human rights abuses, victims of sexual abuses - you cannot assess on the spot.”

The various reasons for persecution and social exclusion, which are the most common issues deportees are facing, make targeted assistance under general humanitarian programmes unlikely for additional reasons. For one thing, it is virtually impossible to help someone who cannot risk being found. Targeted protective measures for victims of persecution are not provided for even by organisations that are in direct contact with deportees. According to Christina Hiemstra (IOM): “We can’t fund basic humanitarian protection like shelter or food for someone who is under threat.” Ahmad Hussein also gave a negative response when I asked the GIZ/PME team whether services are available for victims of persecution: “We don’t have anything concerning that, to provide for that. In Afghanistan it is not possible to make a political island.” Further, supporting victims of political persecution would make humanitarian organisations vulnerable to attack as partisan, thus calling into question their neutrality. For humanitarian and development assistance organisations, victims of political persecution are also not an attractive target group as the causes of their hardship cannot usually be resolved through economic aid and there is therefore little prospect of measures being sustainable.

As Abdullah Maleki (IOM) pointed out, the assistance needed by returnees from Europe for lasting reintegration, in as much as this was possible at all, is also many times higher than that needed by returnees from Pakistan or Iran. Since humanitarian assistance is in any case marked by blatant underfunding, specific programmes for returnees from Europe run by organisations active in Afghanistan would thus be questionable in terms of whether funds were being used as effectively as possible.

### 3.2 Access to and scope of return assistance

In addition to the question of which support services are specifically aimed at returnees and what their scope is, there are also practical questions about access to these services. These include access to information about assistance, restrictions due to formal requirements but also practical hurdles and, given the deportees’ fear of revealing their identity,<sup>333</sup> also the question of the trustworthiness of the institutions from the deportees’ perspective. Both in the interviews and during my research stay in Kabul, I therefore endeavoured to understand the possible ways deportees access assistance and to supplement this with assessments from representatives of the institutions regarding the potential of the assistance provided to get by in everyday life. However, since participating institutions and their services change regularly, aside from the interviews in March 2020 this describes the status of deportees’ experiences up to November 2020. Where deportees’ experiences relate to previous actors or programmes, this is noted.

<sup>332</sup> IOM (n.d.)

<sup>333</sup> Cf. Lobenstein 27.11.2019

## Arrival situation and initial advice

Since deportees do not receive any advice prior to deportation, their arrival at the airport is the first and also last immediate option for advice on how to access assistance. However, there are significant limits to giving advice at the airport because the deportees are only able to absorb a very limited amount of information at the moment of arrival. According to Christina Hiemstra (IOM): “We should not assume that there is much meaningful engagement we can have with anyone in the airport, because people are in shock, people are angry, people are nervous, people are scared to leave the airport or in their mind unable.”

During my own observation of the arrival situation at the airport, deportees seemed distressed and sometimes numb; in later meetings and conversations, fear and despair were the predominant emotions. Some deportees are also still under the influence of sedatives upon arrival;<sup>334</sup> some were deeply distressed by the treatment during the flight. In its report on the observations of the deportation on 14 August 2018, the Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) criticised escort officers for using “control techniques” that caused a sensation of asphyxia. Further, the squeezing of one returnee’s genitals with the aim of “inflicting severe pain to gain compliance”, while the person was restrained by six escort officers, was criticised to be both excessive and inappropriate.<sup>335</sup> However, the abrupt end of years of efforts and hopes to secure a chance to live for the rest of their lives in Europe is, regardless of the treatment during deportation, a violent break that is all the more overwhelming because there is usually no chance to adjust even mentally to the arrival in Afghanistan and the failed attempt to flee. For example, all returnees interviewed by the delegation of the CPT “had only been officially informed by the competent authorities of their imminent removal on the day of their scheduled removal, at the moment of their pick-up by the police”.<sup>336</sup>

In response to later questions about the arrival situation at the airport, a recurring response from deportees was that they had, if at all, only a very vague recollection of the arrival itself and the first few days. Abdullah Maleki (IOM) confirmed this from his own observation: “Some say, that we need to do some counselling right upon arrival. And I disagree with that. They are not in the mind-set. They are totally confused what happened. Anything you give to them they can’t take it. I fully agree, that some have no memory of the first three days, that they can’t tell what happened. It is a shock moment. They have many, many questions in their mind that they don’t have answer for.”

Apart from the police officers who were present and the doctor sent by IOM, deportees are usually also unable to identify with whom they interacted at the airport, even though some actors did introduce themselves. What many do remember is that they were asked by various people about their reasons for fleeing, their stay in Germany, the reasons for their deportation and their plans. These interviews have been described by many as being part of the threat posed by the arrival. This anxiety is heightened by fear of the Taliban infiltrating the security apparatus, and of other actors punishing them for fleeing. It is unclear to deportees exactly who would want to have this information and for what purpose. According to my observation at the airport, these questions are asked and also recorded in detail by a representative of the MoRR after the documents and luggage have been handed over and following formal entry to Afghanistan. But IPSO employees, who

334 It is not possible for me to assess under which circumstances these are given to deportees during the flight.

335 CPT 09.05.2019: 3 and 24. The way the escorting officers dealt with the deportees seems to vary. There were flights on which it was unanimously reported that the deportees were consistently denied water, the officers acted with great brutality and insulted and abused the deportees, and flights on which this seems to have been little or no problem.

336 CPT 09.05.2019: 12.

give deportees the opportunity to talk about their situation in one-to-one and group sessions while they are waiting and provide information on their offer of further psychosocial counselling, were also objects of this mistrust. IPSO does manage to have formal advisory sessions with a large number of deportees,<sup>337</sup> but later nobody I spoke to upon arrival could recall the name IPSO. Also, when asked whether representatives of international organisations, the German Embassy or MoRR were present at the airport and if so, which ones, nobody mentioned IPSO. It was only when I described them as the “people in the pink vests” that deportees could later recall whom I was talking about. Many also perceived their questions and offers of conversation as threatening or at least indiscreet. Even what I perceived to be well-meaning attempts at encouragement were sometimes described in retrospect as cynical by deportees. This was especially true of IPSO employees’ attempts to reassure deportees by reminding them that at least they were back home now. Deportees are not mentally receptive in an arrival situation – and given this feedback, arrival at the airport itself seems also an unsuitable moment for trust-building exercises. Nevertheless, having confidence in the institutions on the ground is particularly important in terms of accessing assistance since deportees usually try to avoid being identified as deportees due to the risks associated with their status.

Given these restrictions, the only access to relevant information for those who can read Dari is the flyer on which IOM has compiled contact details of potentially helpful organisations and which is handed out together with the AFN 12,500/EUR 133 cash-in-hand payment. According to Christina Hiemstra (IOM), this amount is intended to cover accommodation for a few nights, something to eat and possibly to finance the trip to another province. However, according to her, the amount is no more than a “band-aid”. Obtaining useful information on further assistance using the contact details on the flyer requires both patience and a lot of luck.

### Awaaz and MoRR

If, for example, one calls the number for Awaaz listed on the flyer to “feedback on any assistance available in Afghanistan”, as the flyer explains, and one reaches someone there (which, as far as I can attest, is the exception), callers are first subjected to an extensive telephone interview including detailed questions about

your place of origin, family history as well as the reasons for fleeing and returning.<sup>338</sup> Two deportees who rang up in my presence broke off the conversation at this point out of concern for their safety. I then asked three others to at least say that they were deportees from Germany and which kind of support they needed. Without exception, the answer they received even in the case of homelessness and unemployment, acute hunger and need for medical care, was that there was no chance of assistance. Instead, deportees were referred to an advice centre at the MoRR.



Migration advice at the MoRR,  
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The ministry’s number is also listed on the flyer, but according to a ministry employee this makes no sense because the ministry does neither provide individual counselling nor runs assistance projects. What actually exists on the ministry’s premises is a centre for advising people who are interested in migrating. However, it was closed when I visited.

337 The fact that these talks are listed as advisory sessions was confirmed by one of the IPSO staff on site.

338 Awaaz also serves to record and document humanitarian needs. (Cf. OCHA December 2020: 76)

**IOM and GIZ/PME<sup>339</sup>**

A ministry official explained that if one was lucky, he would be referred to IOM if he called the ministry. The flyer also lists the contact numbers for IOM in Kabul and some other provincial capitals. As far as I could observe, because deportees called there in my presence, IOM told all of them that currently no assistance is available. This was possibly the case because funds for individual assistance options had just been exhausted. During my visit to Kabul, negotiations took place about extending the offer supported under the PME programme<sup>340</sup> to receive money for rent payments of up to six months, for home renovations or for household items from which deportees from Turkey and other European countries were also able to benefit.

Being rejected on the phone may also be due to the individual caseworker. In fact, it is even possible to visit the IOM office in Kabul in person and get access to one-to-one advice there - provided it is known that a special side entrance needs to be used. However, the deportees were not informed of this on the phone. Doing so would open up the opportunity for the deportees' needs to be registered and forwarded to employees of the GIZ/PME team as a case file.

For security reasons, the GIZ/PME office cannot be visited by deportees. Safety and security restrictions such as mobility or airport access also seem to hinder communication between the organisations. The GIZ team thus assumed that IOM employees would systematically record needs at the airport. According to its own statement, IOM does not do this and, given the circumstances there, does not consider it possible either. In turn, a deportee's case file needs to reach the GIZ to learn about the opportunity to obtain support in finding a six-month paid internship. Finding out that the GIZ can also be contacted directly is very unlikely. While an office telephone number exists, it can only be found on a website published by the German Federal Ministry for Economic Cooperation and Development,<sup>341</sup> which addresses those in Germany whose job it is to advise people about returning home, those who are considering moving from Afghanistan, those who are considering returning voluntarily and "those in their countries of origin seeking opportunities at home".<sup>342</sup> However, this number is not listed on the flyer distributed at the airport. In fact, the deportees who called there in response to my referral were pleasantly surprised to find that they were treated in an unusually friendly and respectful manner. While criminals were generally excluded from this project,<sup>343</sup> one of the known deportees was able to benefit by receiving money for household equipment, which he could then sell to buy food for some time. Until the outbreak of the Covid-19 pandemic, GIZ/PME also supported several deportees in finding six-month internships. However, none of those led to longer-term employment or were the main source of financing for the duration of their stay in Afghanistan.

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339 Cf. GIZ 2021d

340 According to information provided by Abdullah Maleki via email on 15.11.2020, this cooperation has meanwhile come to an end, but according to GIZ it is being continued with the organisation AWARD (cf. GIZ 2021b).

341 GIZ 2021a

342 GIZ 2021b

343 IOM n.d.

## ACE – ERRIN, support in finding work and business start-ups

The fact that some deportees could apply to ACE for personal return assistance via the ERRIN programme was not stated on the flyer, nor were the contact details for ACE.<sup>344</sup>

Again, hurdles in communication between institutions became apparent: while I was told by Nooria Farhangi (ACE) that either IOM or the MoRR would give deportees their address, this is not the case. Instead, deportees who learned of this option received this information through private supporters in Germany or from AMASO. The fact that deportees now no longer have the opportunity to stay free of charge at the Spinzar Hotel for the first two weeks following their arrival, however, makes both AMASO's access to them and the exchange among themselves more difficult.

Consequently, the three-month deadline by which to register for ERRIN assistance had often already elapsed by the time deportees learned of it. There is no legal entitlement to this support<sup>345</sup> of up to EUR 700<sup>346</sup>, which is granted in the form of in-kind benefits either as rent or a start-up grant. According to Nooria Farhangi (ACE), at least all those who have committed a criminal offence in Germany are explicitly excluded. In the experience of one deportee, this also includes juvenile sentences on probation.

But even for those to whom this does not apply, the hurdles are immense.<sup>347</sup> For example, if an application is approved, ACE is obliged to pay out the money within one year of submission of the application. Nooria Farhangi told me that they were trying not to leave it till the last minute. However, since it is no longer IOM that implements this assistance programme, it is not uncommon, in the experience of deportees, for payment to take eight to twelve months from the date of application. In any case, access to this assistance requires that deportees have interim financing.

In addition, the highly complicated application process forces deportees to come to the office several times, which in itself is both a huge financial expense and a security risk. One deportee reported that he had not pursued his application further after he was robbed the second time on the way to ACE. If an application is to be successful, it also requires close and sympathetic social contacts and access to considerable funds. For example, if an application is made for a support for rent, a rental agreement is needed which in turn requires a deposit. However, until the application is granted, applicants must also be able to afford the rent themselves. The same applies to reimbursements for business start-up investments. In addition, the payments require that the landlords or business partners also have a bank account to which the money is transferred. However, since only a very small minority of the population has a bank account and rents are usually paid in cash, this greatly limits the choice of potential partners when applying for funds. Another practical problem, according to Nooria Farhangi (ACE), is that partners sometimes ask for a bribe because an NGO is involved. Landlords or business partners are often only willing to get involved in this process unless they receive a large part or all of the money for their own ends.<sup>348</sup>

344 Since September 2020, this cooperation has also come to an end and IRARA, on whose behalf ACE was active, is implementing the programme itself. (Cf. BAMF/IOM 2021) However, since the application period is limited to three months, this change took place after the survey period, which is why no experiences of deportees are available.

345 BAMF/IOM 2021

346 This is based on ACE's statement and the experience of deportees. The ERRIN information page states that deportees can receive up to €1,500. However, the conditions under which this is possible are not made clear, and Nooria Farhangi was sure that 700€ was the maximum amount. (Cf. BAMF/IOM 2021)

347 Cf. Refugee Support Network 2016: 25, Majidi 2017

348 According to the IOM, it seems to be a long-standing pattern that businesses established in the course of reintegration are not permanent, but are set up to mobilise aid for other existential needs (cf. IOM 2014: 23). This also includes investing the funds in new attempts to flee (cf. CMI 2016: 66, Schuster 08.11.2016: 16).



If such contracts – be they leases or contracts for investments to start a business – cannot be concluded between family members, they also require a Tazkira, like other formal acts. Therefore, Christina Hiemstra (IOM), like OCHA, considered the absence of ID documents as a vulnerability criterion in its own right.<sup>349</sup> And Ahmad Husseini (GIZ/PME) pointed out that while Tazkira were not needed for internships arranged by the GIZ, they were very much needed on the free labour market. For the many deportees who have never had a Tazkira because they have no legal way to obtain one, even the legal services of the Norwegian Refugee Council (NRC), which is also listed on the flyer, cannot help.<sup>350</sup> Abdul Ghafoor (AMASO) reported of deportees who, after months of trying to obtain a Tazkira legally, gave up and bought a new identity for several thousand dollars. For those whose identity documents have remained in Germany, weeks and months often pass before supporters can find out exactly where the documents are and how they can be sent to Afghanistan – with some documents never being found.

The quality of application advice from ACE also appears to vary widely. One deportee reported that he had been told he had to apply to buy goats and cows in order to sell milk. Since he lives hidden in Kabul without any access to land and does not know anyone who could sell him animals, the payment of the funds failed because he was unable to provide any evidence that the animals had been bought. Abdullah Maleki (IOM) also stressed the need for social networks for practical support and meeting formal conditions for starting a business. This involves access to necessary business licences, joint investment because ERRIN provides little funding and, last but not least, protection of a business through a social network.

Not only Nooria Farhangi (ACE) but also Abdullah Maleki (IOM), one MoRR employee and the GIZ PME team stressed that access to living wage employment is not to be expected in the free labour market even with support through aid agencies in finding work. One MoRR employee reported that perhaps one percent of the many he saw found employment; everyone else would still be looking. Given the humanitarian crisis in the country, it was not expected that they would find work either. As one MoRR employee, Ahmad Husseini (GIZ/PME) and Nooria Farhangi (ACE) pointed out, while this is not only due to the high number of unskilled individuals and people illiterate in Dari or Pashtu<sup>351</sup> – Nooria Farhangi (ACE) estimates, according to an internal survey, that around 98 percent of returnees are illiterate – it is also because of the lack of transferability of professional experience and training from Germany to Afghanistan. Nooria Farhangi (ACE) said about deportees: “They can’t take a successful integration in Germany with them. It doesn’t help them here. They come with nothing.” Ahmad Husseini (GIZ/PME) also said: “The most struggle we have with those who have only training in Germany, and have learned German even to read and write, but unfortunately do not have the knowledge of reading or writing in national languages of Afghanistan.” To make matters worse, during their time abroad, migrants not only failed to invest in education and training that would be helpful in the Afghan labour market but also failed to establish professional contacts and networks as the key prerequisite to accessing the labour market.<sup>352</sup> As the Refugee Support Network documents, this lack of contacts also prevents access to the labour market even for those with business or IT qualifications.<sup>353</sup> Both Nooria Farhangi (ACE) and Abdul Ghafoor (AMASO) reported that they had regularly helped with applications – for example, for jobs advertised by IPSO, other NGOs or jobs offered through job portals, and in the case of ACE, also with

349 Cf. OCHA December 2020: 15f.

350 The prerequisite for this is to present the Tazkira of the father, brother or a paternal uncle, or relatives in the family’s place of origin, who are able and willing to confirm the identity. (NRC/Samuel Hall 08.11.2016) For Afghans abroad, there has only recently been the further option of submitting the Tazkira of two Afghan guarantors abroad who can confirm the identity of the person concerned (cf. <https://www.econsulate.nsia.gov.af/absence-form>). In practice, according to deportees in Afghanistan, bribes of about USD 300 are demanded for the issuance of a Tazkira in Afghanistan.

351 According to an internal survey, the ACE project manager assumes that about 98 percent of the returnees are illiterate.

352 Cf. Gladwell September 2013: 63, Refugee Support Network 2016: 40ff., Schuster/Majidi 2013: 8ff.

353 Refugee Support Network 2016: 41.

direct placements through the Afghan Chamber of Commerce at various companies – without so much as a single applicant having been successful to date. According to the experience of one MoRR employee, it is almost impossible for returnees to be hired. He also emphasised the great competition for skilled jobs due to the high unemployment rate in the country.<sup>354</sup> He said that when one advertises a position, one is flooded with over a hundred applications from really good people who have a lot of experience. Insofar as candidates are referred to the job portals and NGOs to gain support in finding work, experience shows that, in practice, this fails to achieve its aim<sup>355</sup> – something confirmed by information provided by the German Federal Government on the labour market integration of voluntary returnees under the “Perspektive Heimat” reintegration programme. Consequently, in 2017/18, which was before the labour market collapsed substantially because of the Covid-19 pandemic, none of the voluntary returnees was placed in employment.<sup>356</sup>

The deportees received practically no offer for vocational training by ACE. However, vocational training was also described as unpromising. One MoRR employee reported experiences in 2016 and 2017 when donors had unsuccessfully invested large sums to enable integration into the labour market through further training. He said that the participants learned English, took IT courses and attended business training programmes, but still failed on the labour market. Matthew Rodieck (GIZ/PME) said: “The urgency of finding the means of employment or supporting yourself on return is a legitimate concern that we don’t have the power to address from our very limited perspective at PME. We can’t change market conditions. Every market has its own saturation point. So unless markets expand it does not matter how many people we provide training to, there is just not going to be space for additional people with those skills. [...] There is a constraint there in the operating environment of Afghanistan that there just are not vacancies sitting around waiting for newly-trained, new-arrived people and of top of that there are lesser vacancies.” Christina Hiemstra (IOM) stressed that returnees from Europe are also disadvantaged in terms of accessing resources such as jobs because of the stigma attached to them: “What we see with IDPs in Herat is that the local population is very unwelcoming. The stigma for those coming from Europe is worse. So people returning from Europe definitely do not have better chances in accessing opportunities in these urban hubs.”

### **IPSO<sup>357</sup> and medical care**

Ill deportees also face significant barriers to accessing potential assistance programmes. According to Abdullah Maleki, Christina Hiemstra (IOM) and Ahmad Hussein (GIZ/PME), the sick do not receive any specific support for health costs or accompaniment during visits to the doctor apart from the provision of a doctor at the airport by IOM. However, according to the flyer and information provided by the doctor at the airport, his treatment options are limited to taking care of medical needs arising from the return flight such as simple wounds, a one-time administration of painkillers or help with nausea. Furthermore, no assistance with medical care was offered to sick deportees. The costs of illness, however, not only increase day-to-day costs that would need to be paid until receipt of assistance such as through the ERRIN programme; these costs are also difficult to cover even in the medium term with average salaries, provided a salary can be earned in the

354 Even if positions were awarded solely on the basis of qualifications and not, as is common in practice, along patronage lines and on the basis of bribery (cf. Stahlmann 28.03.2018: 223ff.), there would already have been a clear surplus of qualified university graduates for many years if compared to the existing vacancies. (Cf. APPRO April 2016: 63, Shaheed/TOLONews 24.01.2017)

355 As early as 2016, the Refugee Support Network summarised this in an analysis of the experiences made by returnees: „Although a variety of organisations, websites and advice centres that aim to help people find work do exist in Kabul, none of the young people monitored had had any success finding employment in this way. Several young people explained that they had left CVs but never heard back, and argued strongly that although a service might exist in name, without money or connections within that service, the likelihood of obtaining useful support was minimal.” (Refugee Support Network April 2016: 41). Cf. CMI 2016: 66, Ehl 26.05.2019

356 Deutscher Bundestag 13.09.2018: 18

357 GIZ 2021c

first place.<sup>358</sup> The sick sometimes also have practical difficulties reaching institutions such as ACE and applying for further assistance due to limited mobility. Longer-term illnesses also cast doubt on the ability to work – with the same applying to mental illnesses.

A similar problem exists in accessing IPSO and the offer of five sessions of psychosocial counselling. IPSO hands out its own flyer at the airport and at the IOM office in Kabul, promoting a visit to its centre. Apart from Awaaz, all institutions mentioned so far refer deportees to IPSO. However, representatives from IOM and the GIZ tempered expectations about the possibilities of psychosocial counselling. According to Christina Hiemstra (IOM): “What IPSO does is the same as us – providing a soft landing, someone to talk to. But psychosocial support is a very limited intervention. It’s very basic, what they can provide.”

The primary problem with this referral to IPSO, as Matthew Rodieck (GIZ/PME) points out, is that “a talk-approach like counselling by IPSO does not actually remove the things that’s causing the anxiety and fears”.<sup>359</sup> When I advised deportees to take advantage of the service to at least have someone to talk to, they were very sceptical. Regarding the information on IPSO’s flyer that they could turn to them if suffering from insomnia, anxiety or loneliness, among other things, one deportee said: “Should I go there if I have trouble sleeping and anxiety? Do they have work and a place to sleep for me? Or can they explain to me how to sleep on the street without being afraid?” Another said: “Do they think that it’s not reason enough to be scared when you don’t know what you’re going to buy your next meal with? I’m not allowed to visit my family. How am I to stop feeling lonely?” Nobody saw any benefit in spending the little money they had on trips to IPSO, or on internet credit for online advice, to get no help for the practical problems they found overwhelming.

Moreover, it was clear from their feedback that the more urgently they needed medical or therapeutic help, the less able they were to actively seek it. The only deportee I know who had visited the IPSO centre was taken there by supporters in Kabul, arranged by German acquaintances. He had been undergoing psychiatric treatment in Germany. However, in Kabul he was unable to find the medication he was on and would have needed therapeutic help beyond that – a need that went clearly beyond the offer of psychosocial counselling. He described being told he didn’t have a problem and didn’t need any medication. “They told me to paint with children. Then I stopped going.”

This does not mean that deportees have no need for psychosocial counselling;<sup>360</sup> rather, the fact that IPSO’s offer was often rejected vehemently also seems to have something to do with the fact that there is usually a lack of trust in local Afghans to find help and understanding. “They’re sick themselves,” was a snide comment that was made several times, which obviously had nothing to do with the counsellors themselves because they had only seen them briefly at the airport. The greater the deportees’ distrust and fear, the less willing they are to confide in local Afghans. Nor do they expect the people in Afghanistan to understand either that they feel alien “in their own country”, that they suffer from not being welcome and no longer being recognised as “Afghans” or that they are outraged by how matter-of-factly violence is tolerated and perpetrated in Afghanistan. Deportees are therefore more likely to seek psychosocial support from supporters in Germany who were previously seen as confidants, or who at least sympathise with the loss of hope for a future in Europe and the shock of the failure of all efforts.<sup>361</sup> The same is true for incidents that may be shameful or safety-related. For example, Abdul Ghafoor (AMASO), who is highly trusted by many deportees, was often not

358 Cf. chapter III.1.4

359 Cf. Lobenstein 27.11.2019

360 Cf. *Asylos* August 2017

361 Cf. *Refugee Support Network* 2016: 24

informed about safety and security-related experiences, although German supporters – and even I myself as a stranger – were. When I asked them about it, they said that people don't talk about such things in Afghanistan.<sup>362</sup>

Given the many hurdles and practical limitations of the services, it is therefore unsurprising that, as reported by the Bavarian State Ministry of the Interior, for Sport and Integration on 5 June 2020, the offer of return assistance by IOM and IPSO is hardly taken up.<sup>363</sup>

#### 4. DISCUSSION OF THE FINANCING OF DAY-TO-DAY NEEDS

Due to the general economic situation and the escalating destitution in Afghanistan, it cannot be assumed that men will be able to find work to make a living. Socially, there is still an expectation that they will assume the role of the provider – and even when funds are available within families or from humanitarian organisations, adult males are the last to be considered eligible for support. In addition to general humanitarian crisis, particular risk factors apply to deportees. These include the economic burden placed on families by the financing of the route to Europe, which leaves many families burdened with long-term debt, further calling into question their ability to provide support. This inability to help is often met with an unwillingness to assist due to their social expectations being disappointed because of the deportation and explicit social exclusion due to the risk of violence posed to the family because of the relative's return from Europe.

Such exclusion blocks access to vital resources such as employment, accommodation and assistance in crises such as illness, unemployment and experiences of violence. This concerns not only additional financial expenses in everyday life, for example because accommodation is needed that becomes all the more expensive if it is intended to offer protection from persecution, but also to costs due to the increased risk of crime, illness and thus medical needs. For deportees, all of these needs were often more an acuter existential threat than hunger. These additional expenses meant that many deportees needed many times more the EUR 270 per month that they spent on average on food, electricity and rent, excluding heating and household equipment.

The interviews conducted in preparation for the survey revealed that the question of whether available funds were sufficient to cover day-to-day expenses always met with a negative response because protective measures, particularly to avoid everyday dangers and medical care, are extremely expensive and resources are usually only available very irregularly. Moreover, deportees were often much more acutely threatened by not having money to finance fleeing from an acute threat, medical care or extortion demands than by starving. However, since asylum law often only examines day-to-day costs such as accommodation, food and basic hygiene,<sup>364</sup> the survey explicitly asked only about the sources of financing for these day-to-day costs<sup>365</sup> and whether particular sources of money were the main or an additional source of financing. The choices were: the deportee's savings prior deportation, employment or self-employment, return assistance, humanitarian aid, private support from outside Afghanistan, loans and other, as well as more detailed questions about the

362 Cf. Stahlmann 28.03.2018: 274ff.

363 Cf. Bayerische Staatsministerium des Innern, für Sport und Integration 05.06.2020: 3

364 Cf. VGH Baden-Württemberg 29.07.2019, A 4 S 749/19

365 Including costs arising from every-day needs, such as transport, bribes to authorities and in light of the requirement to be able to work also costs of medical care. (Cf. UNHCR August 2018: 9)

ability and willingness of families in Afghanistan to support.<sup>366</sup> In follow-up interviews I asked about other, often situation-dependent costs as well as how different needs are covered.

Of the 113 deportees, 21 were not considered in the quantitative analysis of day-to-day financing. These include the two who committed suicide immediately following their return, as well as 19 others for whom no information is available or who left the country immediately upon arrival.

#### 4.1 Quantitative analysis: financing of day-to-day needs

Since the standardisation of arrival assistance by IOM, almost all deportees receive an AFN 12,500/EUR 133 cash-in-hand payment from an IOM employee following formal entry and an interview by an MoRR employee at the airport.<sup>367</sup> Whether this amount is actually sufficient for up to four days as planned depends on the extent to which the deportees are mentally overwhelmed, how great their acute need is and whether they are familiar with the country and locality – and indeed whether they will be fortunate enough to keep hold of the money given the high crime rate.

It cannot be assumed that deportees have savings to fall back on in Germany.<sup>368</sup> But even if they do, deportees have the acute problem that German bank cards do not work in Afghanistan. To access their money, they have to send their bank cards by mail to acquaintances in Germany who then withdraw money with the disclosed PIN and send it back to Afghanistan via a money-transfer service such as Western Union. Even if this works, it must be assumed that the process will take at least a few weeks and be very expensive. And since Western Union withdrawals require a Tazkira, those without one must have reliable acquaintances in Kabul who can receive money for them. Some deportees also had their savings seized to pay for deportation costs, and even those who can access their money often could not use it to get by in everyday life because they needed it to avert acute personal or family emergencies. These included blackmail and robbery, debts from fleeing to Europe but also humanitarian needs or debts of their families. Abdul Ghafoor (AMASO) reported that he had also heard this from voluntary returnees, whose return assistance was often not even enough to pay off debts from the time they initially fled the country, and thus avert danger from lenders.<sup>369</sup> Families also considered the available funds as their collective property rather than the private property of the returnees based on expectation of adult men to provide for their families and the collective investment in their fleeing to Europe. Consequently, funds available prior to deportation were the main source of financing day-to-day expenses for only three of the participants in the monitoring study.

Moreover, nobody has been able to access or profit from inherited property in Afghanistan. Instead, the current occupants' concern for their income has led to violence against the deportees, even when the latter had not claimed their property in the first place.<sup>370</sup> This included blackmail with the threat to betray the deportees to the Taliban if they did not sign over their inherited house to neighbours without payment, violence by relatives with the aim of driving the heirs' away and death threats from hostile families who had stolen the deportees' land.

366 In detail s. Annex II

367 Exceptions may occur if the security situation does not permit travelling to the airport.

368 Cf. CPT 09.05.2019: 12

369 According to AHRDO's survey among deportees from Europe, the average cost of the first fleeing was USD 11,120 (AHRDO 2019: 17). On the risks posed by outstanding debts of deportees see Asylos August 2017: 38, Echavez et al. December 2014: 29, Ghafoor 15.10.2017, Gladwell September 2013: 62f., Gladwell/Elwyn/UNHCR 2012: 27, Schuster/Majidi 2013, Schuster/Majidi 2015: 7, Van Engeland quoted in Asylos August 2017: 41.

370 S. chapter II

Those who have no chance to a spontaneous welcome by friends or family in the country must hope to get money sent at short notice from private supporters in Germany in order not to become homeless and starve. Because of this prospect of immediate destitution, deportees with relatives in the country therefore sometimes risk making an impromptu visit to their relatives, even if they cannot be sure of being welcomed there or of being taken in at all. The sometimes violent reactions of families and neighbourhoods confirm the deportees' concerns. Only three deportees reported receiving more than three months of financial support from their families. However, two of them had to leave the country again and the third expects to return to Germany through the visa application process.

The hope of finding work to live on was only fulfilled in the case of a deportee who began working for the US Army again because the military camp was still the relatively best place for him to be protected from a continuation of persecution, that he had suffered prior to his stay in Europe due to this work. In this regard, given the withdrawal plans of US troops, it must also be assumed that this arrangement is temporary and thus uncertain. Furthermore, there are three deportees whose main source of financing came from casual jobs, but which was not enough to cover their everyday expenses. The fact that earnings from casual jobs were insufficient to meet basic living expenses such as rent<sup>371</sup> was true even before food prices and unemployment rose and wages fell because of the coronavirus pandemic.<sup>372</sup> And it was also true for the few deportees who met the requirements to find employment – in other words, those who were not affected by previous persecution, were in possession of a Tazkira, were already familiar with Kabul prior to going to Europe and were actually capable of working, and at least did not experience active exclusion through existing local social networks. One of the deportees found employment in a store through his uncle but was unable to find another job when the store had to close. His uncle then told him to leave Afghanistan again. Another worked night shifts carrying of cement sacks, receiving AFN 2,000/EUR 21.30 per month, but that was not enough to cover his food or his rent, nor to cope with additional crises such as illness, a hasty relocation or the costs of a criminal assault. Yet another worked in his family's business but was financed along with his family mainly by his German fiancée because his business did not generate enough income. Another deportee tried to hire himself out as a porter at markets, sometimes having no income for weeks at a time and often not enough to at least buy food for the day. Since the outbreak of the coronavirus pandemic, all but two have lost these employment opportunities and none have found new ones. This also applies to those who secured internships through the GIZ initiative. These internships were not only a secondary source of money because of the low salary, but above all because the deportees were unable to find subsequent employment. Another reason why employment was temporary was because of relatives' safety concerns, as in the case of the trained car mechanic who was only allowed to work briefly in his relative's workshop for safety reasons. However, having only the protection of private accommodation while in hiding prevents the chance of deportees being able to provide for themselves. All things considered, Abdullah Maleki's (IOM) assessment has been confirmed that it is the combination of safety problems and economic hardship that prevents the reintegration of even those who have family in the country.

None of the deportees stated that they had access to general humanitarian assistance. According to Christina Hiemstra (IOM), existing expectations about the extent of humanitarian assistance are often wrong: "There is an assumption among politicians in Europe that there is a safety net, which serves as an argument for the increase in forced returns. But this is not the case. People don't necessarily have access to it because we may

371 These therefore vulnerable employment opportunities in the informal sector are a crucial factor in explaining why 93 percent of the population had already been living in extreme poverty before the onset of the coronavirus pandemic (OCHA June 2020: 15).

372 The more than 80 percent of workers in the informal sector are particularly affected by the economic crash caused by the coronavirus pandemic (OCHA June: 13). Cf. Amnesty International 30.03.2021, FSAC November 2020: 10, OCHA December 2020: 6 and 82, SIGAR 30.04.2021: 128



not be where they want to go, or because they can't stay as there has been no change to the threats they face, or because they can't go home and they don't have anywhere else to go." Similarly, specific assistance directed at returnees in general or deportees in particular did not lead to successful business start-ups for any of the individuals involved, and nobody cited such personal assistance as a primary source of financing. This is not only explained by the general hurdles and reasons for exclusion that exist in accessing assistance. As temporary in-kind partial financing, ERRIN assistance is also not intended to cover general living expenses and also requires significant additional investment. As Nooria Farhangi (ACE) pointed out, the funds provided by ERRIN are also very small: "These 700 EUR are not sufficient to build an existence. It is an addition for a short term and not for long term and not for building an existence. You cannot make it on that." Abdullah Maleki (IOM) shared this assessment. Moreover, a successful start-up requires not only a local social network to find partners to collaborate with and to be protected but also financial security against potential economic shocks. For example, one deportee who had started his own business reported that supporters in Germany had given him the money for a taxi. However, when he was involved in an accident shortly afterwards, he had nothing left to get the car repaired. Ultimately, he had no choice but to sell the broken-down car.

As a means of additional support, these specific return assistance funds were, however, of crucial importance for some deportees. For example, one deportee was able to sell the household items that IOM had enabled him to purchase in order to buy food with the funds for a short time. Despite this, most left the country directly after receiving the money from their collaborative partners or the shares that remained after paying their partners for their assistance in the application process.<sup>373</sup> Indeed, the application process itself was sometimes a loss-maker not only for those whose applications were unsuccessful. One of the respondents was also only able to bridge the time until payment thanks to a loan from an acquaintance who had hidden him in the hope of receiving the money from IOM. However, since it took almost a year for him to receive the money, he could only partially repay his debts. Like two other respondents, he therefore lived primarily on loans.

For 75 percent of deportees, private support from abroad was the main source of funding by which they safeguard their livelihoods. With a few exceptions, in which relatives provided the assistance, this funding came from voluntary supporters in Germany. But even such support does not automatically mean that deportees are provided with the barest of necessities – 13 of the 18 people affected by homelessness also received private support from Germany. For those who have no chance of even at least temporary family support or private support from abroad, the only options in Afghanistan are to join warring parties, become criminals or beg.<sup>374</sup> It was not possible to determine the extent to which the three who are presumed to either have joined the Taliban or at least be fighting for them could cover their basic needs. In the case of the one deportee who announced to his friends that he had joined the Taliban, the contact then broke off. For the other two, there are reasonable grounds to assume collaboration with the Taliban based on hearsay, their whereabouts in Taliban-controlled areas, family association with the Taliban, declared lack of any other source of income or photos.

373 Cf. CMI 2016: 66, Refugee Support Network 2016: 25

374 FSAC 29.03.2020: 8. According to FSCA, in some provinces more than 10 percent of households report relying on criminal activity in order to buy food (ibid.). Cf. AHRDO 2019, Asylos 2017, Gladwell/Elwyn/UNHCR 2012: 32, Gossman/HRW 24.01.2017, Lobenstein 27.11.2019, Refugee Support Network 2016: 30f., Schuster 08.11.2016: 4 and 17, Samuel Hall 2016: 3, UNHCR December 2019: 19f.

TABLE 5: MAIN SOURCES OF FINANCING OF DAY-TO-DAY NEEDS (N = 92)<sup>\*375</sup>

	Number of deportees	Percentage (rounded)
Private support from outside Afghanistan (e.g. friends in Germany or family abroad)	69	75.0
Employment or self-employment	5	5.4
Support from family – up to 3 months	3	3.3
Support from family – medium term	3	3.3
Loans	3	3.3
Savings prior deportation	3	3.3
Assumption: Taliban support/affiliation	3	3.3
Crime	2	2.2
Begging	1	1.1
Return assistance	0	0

\* Not included: 2x death by suicide, 19x no reply or immediate departure

## 4.2 Limitations on recording day-to-day sources of financing

As in the case of reports on experiences of violence, I also tried to minimise possible response biases regarding questions about humanitarian protection by conducting supplementary interviews with as diverse informants regarding an individual deportee as possible in order to review statements made by the respective deportees for their plausibility and consistency.

One possible interest of deportees in exaggerating their plight in the interview could be to obtain more funds from potential supporters. In fact, three supporters asked me whether the sums requested by deportees were not too high. However, in each case the amounts asked for were rather low for the intended purpose. In many cases, key expenses such as travel to the German consulate in Islamabad, Pakistan, serving as a replacement for the consulate in Kabul, which remains closed, or for essential medical treatment have also been put off for a long time. Consequently, it must be assumed that deportees did not have other relevant sources of funding.

Many of the private financial support initiatives from Germany are one-off anyway, such as collections in the deportees' former schools. Most supporters also report that the deportees knew about their limited financial means. The volunteers in Germany often took it upon themselves to provide financial support; it was not initiated at the deportees' request. It could also be observed that humanitarian and financial problems were reported less frequently to relatives or supporters than, for example, to friends of the same age or AMASO

<sup>375</sup> The answer does not indicate whether the available funds were sufficient to cover everyday needs.

employees. A tendency towards underreporting is also indicated by the fact that several deportees did not want me to tell supporters or relatives about their economic problems because they did not want to cause worry or exert pressure. Deportees repeatedly expressed fears that asking for money could endanger the solidarity of friends and supporters. While the importance of solidarity for the psychological resilience of deportees is difficult to gauge, it seems very important. Supporters often describe their role as being primarily about providing psychological support and only secondarily as being about providing practical and financial support. Deportees confirm that: “Ms M. is the only one who cares how I feel and what will become of me. I’ve often thought about killing myself. Better than waiting for someone else to do it. But she does care about me.”

Further response biases and underreporting is to be expected when deportees are forced to become criminals or join insurgents – the typical alternatives to provide for oneself in the country for adult males without supportive social networks – since honest responses would involve self-incrimination. The sister of one deportee commented on her brother’s apparent lack of funds: “We know that our support is not enough and he has no job. So we don’t ask what he lives on.”

Deaths, whether due to exhaustion, freezing, lack of medical care or suicide due to mental illness, also usually cannot be documented because they result in the contact breaking off. The two acts of suicide are an exception to this as they were committed immediately upon arrival in Afghanistan in the presence of other deportees.

### 4.3 Discussion of the generalisability of results

As in the case of serious experiences of violence, it is to be assumed that humanitarian hardship primarily affects those whose whereabouts could not be documented since they presumably cannot benefit, or only to a much lesser extent, from private support from Germany. This is because, in practice, remittances from Germany provided the vast majority of known deportees with temporary basic humanitarian protection or at least assistance in emergencies. Even of the 18 who were temporarily or permanently homeless, 13 received financial support from Germany, which at least ensured the provision of food or assistance in acute emergency situations. Access to return assistance and personal savings requires private practical and financial support as well. And, last but not least, the support from Germany enabled them to stay in hiding places and thus face a lower risk of subsequent costs from criminal assaults, regular relocations and illness. Those whose whereabouts could not be documented are therefore significantly more likely to fall victim to destitution. This disproportionately affects convicted criminals who have been deported from prison. Moreover, criminals are not only excluded from access to return assistance but also face particular social exclusion.



StreetArt by the artist collective ArtLords. Handshake between Zalmay Khalilzad and Mullah Baradar, the negotiators of the Doha agreement in February 2020 – with civil society watching them closely without a right to a say in the matter. Kabul, 2020.

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# IV OUTLOOK

## SUMMARY

The analysis of the deportees' future plans reveals that, apart from one deportee, all those for whom information is available have already left Afghanistan again or are planning to do so. This confirms earlier analyses that deportations do not "work" insofar as they lead to onward migration.<sup>376</sup>

Analysis of the experiences of those who do not leave the country immediately following deportation illustrates that both voluntary and deported returnees often underestimate the changes in Afghanistan, in as much they themselves have changed and especially the consequences of their status as unsuccessful returnees from Europe. However, the violence and social exclusion associated with this status not only increase the risk of falling victim to various forms of violence and experiencing life-threatening destitution; this status also blocks options for survival that some returnees had anticipated based on their previous experiences in Afghanistan. Those who initially stay in the country and hope for a fresh start in Afghanistan therefore often later regret having lost money and having put themselves in unnecessary danger because they did not immediately flee again. As far as is known, those who stay longest in Afghanistan are those who receive reliable private support from Germany to meet basic essential needs and the financing for hiding places as well as realistic prospects and the necessary support to return through applying for a German visa. This support includes covering the high costs involved and the necessary formal support for this process. Because the visa application process takes very long, they also face the question of weighing up the risks of waiting in Afghanistan against the known, life-threatening risks of fleeing and being deported again from countries on the route to Europe. Even among those who met all the requirements for returning to Germany through the visa application process and had access to hiding places, there were several who decided to flee nevertheless again due to acute threats even shortly before the consulate appointment to collect the visa.

Due to current developments, no positive change in these prospects is to be expected even if the best possible scenarios emerge regarding the security situation and humanitarian development. Even if, contrary to current expectations, the peace negotiations result in a reduction in the general level of violence, an end to the civil war and the Taliban acquiesce to an actual sharing of power and a democratic order, this will not put an end to the specific violence against and persecution of deportees by both the public and the Taliban. Instead, it is to be expected that a tightening of the Taliban's formal grip on power will strengthen the intensity of persecution and thus also exacerbate the social exclusion that has occurred so far.

Access to the resources necessary for survival is therefore not to be expected, even in the extremely unlikely event that the abuse of power in controlling access to resources, the exploitation of civilians and destruction of livelihoods ceases, and humanitarian protection and support are extensive enough so that social networks would be able to mitigate temporary private and collective crises.

<sup>376</sup> Cf. CMI 2016: 75, Gladwell September 2013: 63, Majidi/Hart 2016: 37, Refugee Support Network April 2016: 51, Schuster/Majidi 2013 and 2015. A study from 2009 - under much better economic conditions and with a much lower level of violence - already came to the conclusion that 74 percent of returnees from Great Britain planned to leave the country again, with the percentage of deportees at 80 percent being slightly higher than that of voluntary returnees at 68 percent (cf. Majidi November 2017: 17).

## 1. PROSPECTS OF DEPORTEES

As soon as deportees are over the initial shock of deportation, they are left with the question as to what they can do next and what their medium-term prospects are. Some deportees do not even give it a go in Afghanistan but leave immediately. Since no direct conclusions can be drawn about their practical prospects, the focus in the following is on the experiences and decisions of those who remain in Afghanistan initially. Since voluntary returnees have a better chance of preparing and greater financial resources, and are less likely to make decisions about their future based on an initial feeling of distress or despair, their experiences on the prospects within Afghanistan will here serve as a further reference.

### 1.1 Experience of hopelessness

There are clear differences in many regards between voluntary returnees and deportees. The former receive more assistance, the trip itself is not a shock and those who do not plan to leave immediately have made plans for their return to Afghanistan. Some are even recalled by their families and can therefore assume that they are welcome there for the time being. In terms of the broader outlook, however, the differences to deportees are minor. If one is not explicitly called back, voluntary return makes no sense from the perspective of the Afghan population because there is no understanding of how gruelling it can be to be denied a work permit or have it revoked despite years of trying to succeed in Europe. Nor is there any understanding of how exhausting regular experiences of discrimination and the persistent fear of deportation can be.<sup>377</sup> Since both deportees and voluntary returnees, apart from a very few cases, lack secure residence status in Europe<sup>378</sup> or relinquish it for their return,<sup>379</sup> from the point of view of their families and the social environment they belong to the group of unsuccessful Afghan exiles.<sup>380</sup> Correspondingly, voluntary returnees in Afghanistan are also usually called “deportees”. Even those concerned often do not make this distinction. In my search for deportees, I was therefore repeatedly referred to men whom I the found to be voluntary returnees only after I had checked their flight details. When I remarked that they weren’t deportees after all, one of them said: “But I am a deportee; I had no choice. But I deported myself.”<sup>381</sup>

The fact that no distinction is made either socially or by the returnees themselves is also because there are often only marginal differences between the broader prospects of the two groups. Even those who are called back by their families are subsequently often expected to accompany the family on their way to exile – either immediately, or as soon as they have the funds from the return assistance programme, which they are then expected to use to buy visas for neighbouring countries. And even for those who plan to return to Germany for marriage or education, it makes no difference in terms of everyday dangers whether they arrived in Kabul on a chartered deportation flight or a scheduled flight. What is also common between both groups is that

377 Cf. *Asylos* August 2017: 41, Majidi/Schuster 2013: 12

378 Cf. Oeppen/Majidi July 2015: 2

379 Nooria Farhangi (ACE) reported the case of an old man who was dying and whose wish was to die in his home country. In this case, it can be assumed that he did not have to fear deportation.

380 Cf. EASO September 2020: 5, Oeppen/Majidi July 2015: 4. This is in contrast to successful Afghans in exile who are offered protection because they are able to provide for their families not only in humanitarian matters but also in regards to their social status (e.g. by financing marriages), and take on a bridging function to Europe by, for example, establishing marriage relationships, providing financial guarantees for visas, financing the escape of those under threat, or contributing to the economic security of the local community through trade relations or aid projects. (Cf. Schuster/Majidi 2015: 6ff.) Successful Afghans in exile thus fulfil the general conditions of relative protection enjoyed by those who enable and control access to external resources and thus generate power as well as dependency by others (Stahlmann 28.03.2018: 305).

381 Cf. CMI 2016: 63f., Rasmussen 06.10.2015, Vyas 27.05.2017



their original plans for their time in Afghanistan often do not work out.<sup>382</sup> And not only that – based on statements from relatives and funeral photos, I learned of two voluntary returnees from Germany who were murdered in Herat and Kabul respectively.<sup>383</sup> Another thing they have in common is that both groups often underestimate the problems facing them.

Consequently, many initially underestimate in as much they themselves have changed. Not only has everyday life in Afghanistan and especially in the big cities become much more dangerous and even more marked by destitution. Indeed, while attacks such as those on maternity wards naturally also horrify local Afghans and many break down because of their traumatic experiences,<sup>384</sup> some returnees describe being distressed when walking to the shops even when no bomb goes off. Homeless children, old people begging or drug addicts are a much more common sight, and one can see many more families living on the streets than just a few years ago. While these problems have always existed, deportees now sometimes describe the sight as harrowing. Many deportees seem to have become so accustomed to the relative safety in Germany that they have forgotten to consider the reality of Afghanistan as “normal” to the extent that they can at least temporarily block out the dangers and misery.<sup>385</sup>

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SAMIR O.: “Sometimes I forget where I actually wanted to go when I see someone injured on the street and nobody is taking care of him. I can’t handle it.”

F. S.: “But wasn’t it the same eight years ago?”

SAMIR O.: “Yes, but it’s just not normal. My heart hurts, the people here are sick. Some are like animals. At night I dream about it or can’t get to sleep.”

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Both deportees and voluntary returnees also reported that they had underestimated the changes in the country.<sup>386</sup> For example, one deportee told me a few weeks following his return that he had always wanted to show his German girlfriend his homeland and was somewhat offended when she dismissed this hope as absurd and suicidal because he had assumed that his family could protect them for the duration of a short visit. “I now see that she was right. Nobody is safe here anymore, no matter how well connected you are.” Another deportee said to me shortly after his deportation: “Kabul is like the sea. You’ll sink if you can’t swim.” But even he, who had only left Afghanistan as an adult and had previously worked for the security forces – and was visibly proud that he was a “good swimmer” – could not protect himself from being stabbed a short while later. He survived only because he was fortunate the attack took place on his sister’s doorstep. She found him in time and got him to a hospital quickly enough before he bled to death.

Many deportees also initially underestimate the consequences of their new status as unsuccessful Afghan exiles and are not even aware of the particular risks to which they are exposed as a result of their stay in Europe.<sup>387</sup> In this regard, what often destroys hopes for a future even more than personal experiences of violence or homelessness is the experience of social exclusion, even by their own families. For those who see Afghanistan as their home and have family in the country, there are sometimes touching moments after arrival to now be able to experience what is familiar and has been longed-for while in exile: seeing their mother again, visiting a brother’s grave, reliving long-lost everyday moments, seeing friends and familiar

382 This was also emphasised by Matthew Rodieck (GIZ/PME), via email on 25.11.2020.

383 Cf. Maley 04.03.2020, Rasmussen 06.10.2015

384 One in five Afghans cannot adequately manage their daily lives due to mental health problems (HRW 07.10.2019).

385 Cf. Gladwell September 2013: 63, Refugee Support Network 2016

386 Cf. AHRDO 2019: 16, CMI 2016: 75

387 Refugee Support Network (April 2016) documented the account of the friend of a murdered returnee, which also illustrates that some returnees and their families apparently underestimate this danger: “[A] boy who was also deported from UK was killed in our area. He had newly arrived from UK and was living peacefully with his family until people found out about him, though he did not have any enemy at that time. But he was badly targeted standing in front of a mosque in the village he was living. I participated in his funeral and Fatiha.” (Refugee Support Network April 2016: 29)

places or eating familiar food. However, this often quickly gives way to disillusionment and fear. Experiencing no understanding for the failure, but instead being condemned, threatened and cast out; not being welcome at home or being told one can't go home; not being able to see one's parents even though they could be reached by a simple bus-ride because they are already searched for; hearing that one's father was murdered after visiting the deportee in hiding in Kabul and not being able to go to his funeral; living in fear of endangering one's family or being forced to remigrate because one is of no use to the family in the country or the family hopes that one could thus mitigate the damage caused by the deportation<sup>388</sup> – these are experiences that deportees describe as devastating and destructive.<sup>389</sup> The deportees describe no longer belonging, having to hide, not being able to trust anyone and share their history, being dependent on external support and having no prospect of standing on their own two feet and building a future as a much more severe loss of home than the one they had experienced by migrating. Despite the deportation, Europe and Germany again become a positive contrast: the banality of the availability of hygiene and the experience of kindness by strangers in Europe are juxtaposed with the omnipresent misery, the everyday occurrence of violence and social exclusion.<sup>390</sup>

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AMIR A.: "Yes, it is my home. I always longed for Afghanistan when I was in Germany. And of course I was happy to be here again. It's my home. But what is a home if it no longer wants you? Who am I if I don't belong here either? In Germany I was a foreigner, but at least I was still an Afghan."

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Private support from abroad can mitigate some of the day-to-day dangers in practical terms. However, remaining in hiding not only offers no prospects; it also offers no solution to the general problem that there is no effective protection from violence – nor to the fact that violence increases hardship, and hardship, in turn, increases violence. Based on the voluntary returnees' experiences, Abdullah Maleki (IOM) reported that it was the combination of safety problems and a lack of employment opportunities that prevent reintegration.<sup>391</sup> So the regular experiences of violence of those who initially stayed in the country and their failure to even feed themselves affirm the reasoning of those who try to leave again immediately.

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ABDULLAH MALEKI (IOM): "What the voluntary returnees report is that the accumulation of problems is what inhibits reintegration – the combination of security problems and lack of work. One you can deal with but not with both."

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The longer deportees stay in Afghanistan, the more hopeless and desperate even those who receive private support from Germany become. On top of that, the longer they stay, the greater the concern becomes that private support will end or, in the case of voluntary returnees, that funds will be exhausted.

Of all those I could speak to, the one question that never goes away is why they were deported.<sup>392</sup> Some interpret the deportation as discrimination against Afghans ("Why do they hate us so much?"); others blame the Afghan government for "sacrificing" them. For example, one deportee recalled asking an IOM employee at the Spinzar Hotel why he had been deported, to which the employee responded: "Ashraf Ghani can't just forget about the entire country because of you lot. You all have to go back so that the government can keep getting money."<sup>393</sup> He commented: "Hearing that might be easier to bear if we were also treated as if we had made a great sacrifice for our country. Instead, they think it's our own fault and that we're bad people. What's

388 Schuster/Majidi 2013: 7ff.

389 Cf. Amnesty International 28.08.2019, Asylos August 2017: 41, Refugee Support Network April 2016, Schuster/Majidi 2013: 12f.

390 Cf. Refugee Support Network 2016: 50ff., Schuster/Majidi 2013

391 Cf. CMI 2016: 75

392 Cf. Vyas 27.05.2017

393 Cf. AHRDO 2019: 18

in it for the German government?" However, most interpret the deportation as a punishment that seems arbitrary: "I haven't done anything. What have I done to deserve this?" "My friends, even my brother, could stay. What's the difference between my brother and me? I didn't do anything wrong." One who had been in custody said: "I have served my sentence; why am I being punished again?" Many describe it as a mockery or betrayal of their efforts to integrate. "I did everything expected of me: I learned German, I never had trouble with the police, I worked. Why me?" Being arrested and then deported especially during appointments to extend their temporary residence permit [Duldung] or during return-advice sessions feels like a betrayal to deportees.<sup>394</sup>

However, this has no influence on the decision to remigrate and the hope of getting back to Europe. Abdul Ghafoor (AMASO) reported that not only deportees, but regularly also voluntary returnees, came to AMASO within days or a few weeks of arriving in Afghanistan looking for ways back to Germany and Europe because they deeply regretted their decision to return to Afghanistan.<sup>395</sup> When speaking about deportees' prospects and opportunities, Abdullah Maleki (IOM) also said that forced return does not lead to reintegration but to remigration, which confirms previous research.<sup>396</sup>

## 1.2 Patterns in remigration decisions

Those who flee immediately to Iran have usually lived in Iran for an extended period before fleeing to Europe and have no connections in Afghanistan that would offer hope of at least short-term support. One deportee reported: "I don't know anyone there. I don't know anything about Afghanistan. Where was I supposed to go?" The decision to leave Afghanistan immediately for Iran is also based on the longstanding experience of the Afghan exile community in Iran that returnees, even at times when insecurity and hardship were much lower in Afghanistan, had no chance of integrating in Afghanistan without viable social networks and access to land ownership with which to support themselves.<sup>397</sup> This is consistent with current assessments of returnees as one of the most vulnerable groups in the country in humanitarian terms.<sup>398</sup> As one acquaintance in Kabul put it: "Those returning from Iran can't even go and fight

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**SUPPORTER OF ONE DEPORTEE:** "It's been almost two years since his deportation, and he still asks me 'Why me?' And he knows that I can't answer why him, of all people. I actually want to tell him not to take it personally. But to him it is personal. And every time something happens to him, he asks again 'Why me?' Because all of this is happening because of that decision."

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**F.S.:** "HAVE YOU EVER considered whether it might not be better to remain in Afghanistan rather than go straight back to Iran?"

**NURI S.:** "No"

**F.S.:** "But you've fled Iran before. And you knew that you were illegal there."

**NURI S.:** "Yes, but I fled Iran because I was threatened with deportation to Afghanistan."

**F.S.:** "But are you hopeful that next time you'll receive protection in Europe?"

**NURI S.:** "You have to have hope. The day you stop hoping is the day you die."

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394 Cf. Bähr 08.07.2020

395 Cf. CMI 2016: 75, Majidi November 2017: 17

396 Examples: CMI 2016: 75, Gladwell September 2013: 63, Majidi/Hart 2016: 37, Oeppen/Majidi July 2015, Refugee Support Network April 2016: 51, Schuster/Majidi 2013 and 2015. A study from 2009 - under much better economic conditions and with a much lower level of violence - already came to the conclusion that 74 percent of returnees from Great Britain planned to leave the country again, with the percentage of deportees at 80 percent being slightly higher than that of voluntary returnees at 68 percent (cf. Majidi November 2017: 17).

397 In 2012, UNHCR found that up to 60 percent of returnees from neighbouring countries since 2001 had not been successfully reintegrated (Schmeidl 2016). As of 2018, 72 percent of returnees from Iran and Pakistan had been internally displaced twice since their return, and almost a third had been internally displaced three times. (NRC/IDMC/Samuel Hall 24.01.2018: 10). Cf. Bjelica 29.03.2016, Geller/Latek May 2014, Kantor/Pain 2010, NRC/IDMC/Samuel Hall 24.01.2018: 10, Saito July 2009, Schuster/Majidi 2013: 10, UNHCR 01.09.2013

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– even for that you need experience in Afghanistan.” The only advantage that people who have lived in Iran have over deportees with no experience of ever being there is that linguistically, in behaviour and through detailed knowledge of life in Iran they can sometimes avoid the far riskier prospect of being identified as returnees from Europe for a short while by posing as deportees from Iran. Being “Iranigak”, a derogatory term often applied to Afghans who were raised in Iran, also provokes social exclusion and often violence,<sup>399</sup> but not the additional specific persecution due to their stay in Europe. They are also not assumed to be particularly wealthy and therefore run less risk of being attacked because of their suspected affluence. Clearly having nobody to protect them nonetheless make them easy targets for criminal assault.<sup>400</sup>

Responsibility for a wife and children in Afghanistan was cited as a further reason to migrate as soon as possible, insofar as doing so provides any chance to support them. One husband said: “I can’t look after my family here; I can’t buy them food and they are always ill because it’s so cold and I can’t buy wood. One of my children has already died. Should I hang around for another to die too? I will certainly not sell my daughter. Or should I go into debt for food? It’ll soon be eaten up, leaving us hungry again – plus we’ll have a lender on our backs. Then the situation will become even more dangerous for us. Getting into debt only makes sense for the migration itself and the hope of being able to send the family money. It is the only hope.” Indeed, it is for the same financial reasons that some of those who are currently planning to flee regret not having fled again immediately after entering the country.

Acute personal threats make the decision to migrate much more complicated for some because of the risks of their families also being persecuted. Two deportees therefore decided to migrate with their wives and children although it was winter. Another deportee considered facing the Taliban in the hope that he would only be flogged and not killed, and then subsequently not be persecuted. However, worried about his survival, his wife insisted that he should flee.

What sometimes makes deportees hesitate about fleeing again is not so much the hope of perhaps getting by in Afghanistan after all, but the fact that many have heard time and again in Germany that they could re-enter the country with a visa if they wanted to start an apprenticeship or marry their girlfriend. Many therefore spend weeks and months exploring the options to return through the visa application process.

Some of these hopes are quickly dashed. For example, at a meeting in Kabul, before I could even greet the deportee properly or fetch him tea, one deportee showed me a slip with an appointment on it to come and renew his temporary residence permit. However, this date became his date of deportation, resulting in him being arrested at the foreigners’ office. “But they said I was getting a new permit to stay. You see, it says ‘renewal’ and that I should bring a new

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ROZIKHAN A.: “I got another call from the Taliban; the number was withheld.”

F.S.: “But don’t you have a new number?”

ROZIKHAN A.: “Yes, on the new number. If they have that, they also know where I live. Very few have the number. “

F. S.: “What did they say?”

ROZIKHAN A.: “They said I had to come to [place of origin] so that I could be punished for having worked for the German army.”

F. S.: “But you didn’t work for the German army in any way, did you?”

ROZIKHAN A.: “No, but that’s what they think because I was in Germany. If I don’t go then they’ll come to me, they said. My wife says I should flee because they are going to shoot me. But I’m afraid that they’ll hurt my wife. Maybe I should go there. Maybe they’ll believe me that I wasn’t a translator. And maybe then I’ll just be flogged and then my family will be safe. I’ve moved twice in the past few weeks alone. What should I do?”

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399 Cf. Stahlmann 28.03.2018: 287ff.

400 Cf. Stahlmann 28.03.2018: 159

biometric photo. Here's the photo. The deportation was a misunderstanding; it says 'renewal' here." The note and photo looked a bit like he had not let go of them since his arrest at the foreigners' office. My attempt to explain to him that the misunderstanding probably lay with him and not with the police, and that he was also not the first person to have this happen to them, was in vain. When he left, he was still determined to go to the embassy in Islamabad, Pakistan, and "sort it out." A few weeks later, however, he had given up and was on the refugee route back to Europe.

Even supporters sometimes believe that it is enough if the German girlfriend really wants to get married, or if deportees speak German well and their former employer offers them an apprenticeship. Experience has shown, however, that unless the unlawfulness of the deportation is determined by a court within a short timeframe, as was the case with one deportee, re-entry is only possible with an immense amount of long-term support from well-networked supporters who have professional legal advice. The applicant has to negotiate a reduction of the re-entry ban of usually three years and obtain documents which often have to be verified and authorised by different agencies, and which for this purpose have to be sent back and forth between the countries again and again as originals. One has to deal with often contradictory statements from different German state agencies, and even if all the documents are available and after months or even years one has the appointment at the German consulate in Islamabad or New-Delhi, one still has to get visas for these countries.

Even then, the clerk at the consulate may think that the list of documents requested in advance was incomplete, requests more and sends the applicant away again. It might be possible to clarify in retrospect that the additional requirements were actually unnecessary, but this does not help the person concerned, who then has to book a new appointment. When I asked supporters how many emails they estimate they had written in the course of a visa application process, they said either "hundreds" or "countless." Not only is the patience of some supporters limited; the necessary financial resources also regularly overwhelm them because the entire process involves immense costs. For example, sometimes the deportation costs need to be paid before the re-entry ban is reduced, which means having to raise between EUR 3,000 and EUR 10,000 at short notice. But the costs for sending documents, language courses and exams, obtaining documents, sometimes multiple visa and flight costs to the consulates in New-Delhi or Islamabad and the flight to Germany add up to immense amounts. Last but not least, the men also have to survive until they have the chance of a consulate appointment. Based on previous experience, entry to reunify with a German wife can take up to two years. And if, in the meantime, consulates or borders are shut because of the coronavirus pandemic or for any other reason, the waiting times can suddenly lengthen indefinitely.

But even if patience, time and money are not an issue, difficult questions often arise during this process: Should one travel to Kabul to marry one's fiancé? While this can speed up re-entry and thus ensure that the individual concerned is in safety more quickly and the couple together sooner, until then it increases the danger for him and his family. Is the security risk caused by this visit lower than that resulting from a lengthy procedure and thus a lengthy stay in the country? How should the advice of a lawyer be dealt with who thinks that photos of a traditional wedding need to be

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**FIANCÉE OF A DEPORTEE:** "Can you explain to me how an Afghan wedding is conducted? I want to travel to Kabul and marry my fiancé. He was deported before we could get all the documents together."

**F.S.:** "I can explain a traditional Afghan wedding to you, but I consider it far too risky to show hundreds of people that your fiancé is marrying a German woman."

**FIANCÉE:** "Yes, my fiancé says that too, but the lawyer said we need photos as evidence of a traditional wedding to make people believe that we really got married because Afghan documents are not believed."

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provided to German authorities for them to believe the marriage documents, knowing that doing so will put him and his family in additional danger?

As far as is known, those who receive dependable private support from Germany – materially and emotionally – and who have better prospects of returning through the visa application process stay longer in Afghanistan. For many, the question of whether they should attempt the visa application process or risk fleeing to start an apprenticeship or to reach their child, wife or pregnant girlfriend is not an easy one to answer. Many deportees doubt the visa application process will succeed given the locally so different and often contradictory legal, administrative and political decisions they have experienced in Germany. Some explained their insecurity by referring to the experience of deportation. For example, one deportee said: “Why should they give me a visa now because of my child if they deported me despite the child?” Another also had doubts about the prospects of success in relation to a visa application process: “They knew I was expecting a child. Why should it be possible, despite my acknowledgment of paternity and a declaration of custody, to be deported first only for then to re-enter?” Another asked me: “Why should they first deny me my work permit for the apprenticeship and deport me because I’m not doing an apprenticeship, and then let me re-enter to start my apprenticeship? That doesn’t make any sense, does it?” If the process should fail, contrary to the supporters’ assurances, it would result not only in a loss of time but also money that would then be needed to flee. Especially when there are small children in Germany for whom the distance cannot at all be bridged through technical means, preference was given to the supposedly faster option to flee rather than to attempt an uncertain visa application process.<sup>401</sup>

But even for those who trust the process itself, the question arises again and again whether and if threats in Afghanistan are so great that they have to opt for the dangerous option of fleeing, despite good prospects of returning through the visa application process, in order to have better prospects of survival. While there were some who in some ways had illusions about life in Afghanistan upon arrival, they all knew from their own experience that fleeing is life-threatening and many have had traumatic experiences along the way.<sup>402</sup> According to the most recent reports of deportees who have fled again, fleeing has become even more dangerous: refugees apprehended on the border with Iran reported hours of cable beatings, rape, sleep deprivation, forced standing and denial of food and water. A motion is currently being debated by the Iranian parliament calling for an amendment to the law that will not only see the introduction of heavy fines, between six months and two years in prison and between 31 and 74 beatings for illegal migrants, but will also allow security forces to shoot at vehicles in which illegal migrants are suspected to be travelling.<sup>403</sup> Similar risks exist at the Iranian-Turkish border, with both being deadly for some merely due to the physical strain involved in crossing them. Each of the deportees I have spoken with following attempts to flee across the Afghan-Iranian border spoke of at least one fellow refugee who died en route. At the Turkish border, villagers on the Iranian side seem to have discovered a new business model: they lock migrants, including young children, in unheated containers to extort money from their relatives and acquaintances. Nevertheless, deportees who have to flee again often try to cross the border several times – up

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ALI M.: “No, I’m not waiting for a visa. I’ll flee again, it’ll be quicker.”

F.S.: “But fleeing is so dangerous. Wouldn’t it be better for your child if you were to wait and arrive alive than for something to happen to you on the way?”

ALI M.: “Waiting here for the visa is also dangerous. Who’s to say I’m going to survive here? At least this way my son will know that I tried to reach him.”

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401 Cf. Schuster/Majidi 2013: 9f.

402 Cf. AHRDO 2019: 9ff., Echavez et al. December 2014: 28, Schuster/Majidi 2015: 12ff.

403 According to information provided by Abdul Ghafoor (AMASO) on 19.04.2021.



to six times at the Afghan-Iranian border and up to 15 times at the Iranian-Turkish border. Deportees report that both Iran and Turkey are now also using drones to track refugees. Deportees also know that not only Iran but also Turkey is deporting Afghans on a large scale and that there is no longer any chance of obtaining a residence permit in either country; they also know that fleeing across the Mediterranean has become even more dangerous and are aware of the circumstances under which refugees are living on the Greek islands. Even details about the situation of refugees in Serbia are widely known. Despite this knowledge, several deportees who meet all the requirements for a return to Germany through the visa application process and who have the necessary support for the procedure and access to hiding places have fled again due to acute threats – even shortly before their consular appointment.

Some also try to combine the options, preferring to stay illegally in Iran or Pakistan to wait for their appointments. Staying illegally in neighbouring countries also involves risks, but as one deportee said: “Being caught and mistreated by the Iranian police also leads to deportation. But that’s less dangerous than hanging around in Afghanistan.”

Others hope to assert an entitlement to re-entry at a later stage of their migration. In this respect, the prospects seem to be worst for those who are stuck on the Greek islands and thus have no access to a German consulate. But so far, none of the deportees who are staying in Turkey, Iran or Greece and with whom I could speak has regretted fleeing again. Only one said he should have stayed in Turkey rather than flee to Greece. He also said that it seems easier to reach one’s wife in Germany from an illegal situation in Turkey than from the Greek islands within the EU. Several added that they regretted not having fled from Germany to France before they were deported.

The only deportee currently planning to remain in Afghanistan has abandoned his plans to flee following a failed attempt and renewed deportation to Afghanistan due to lack of funds. Judging by the impression he made on me at a meeting in Kabul, he would probably neither be physically nor mentally capable of fleeing successfully. The same was true for an almost 70-year-old man with a walking disability, and in need of nursing care, who was deported from Germany, where his family lives, to Afghanistan via Sweden, which is why he was not included in the statistics.

Overall, according to the latest information in each case, as of November 2020 almost 70 percent of deportees with whom contact has not been broken off and for whom information is available have already left the country. All but one are planning to leave. 28 deportees returned to Europe either through the visa application process or a refugee route.

TABLE 6: POST-DEPORTATION MIGRATION AND PLANS (N=102)\*

	Absolute number	Percentage
<b>Left Afghanistan</b>	<b>70</b>	<b>68.6</b>
Left the country by fleeing/short-term visa for neighbouring countries	59	
Of whom in Iran, Pakistan, India oder der Turkey	42	
Of whom in Europe	17	
Returned to Germany through the visa application process	11	
<b>Still in Afghanistan</b>	<b>32</b>	<b>31.4</b>
Applying for a German visa	23	
Planning to flee	8	
Currentlich planning to stay	1	

\* Not included: 2x death by suicide, 2x no reply, 7x break-off of contact

### 1.3 Discussion of the generalisability of results

Private support from abroad not only reduces security risks and the threat of destitution but also the dangers of renewed migration. Not only does the chance of re-entry into Germany depend on support from supporters in Germany; the chance of surviving the refugee route is also significantly better if deportees have external private supporters. Among those who fled again, those who had the means to circumvent the dangers associated with border crossings through short-term visas were again the privileged ones. A short-term visa for Turkey alone currently costs around USD 4,000 – and sometimes the agents, who are needed for these genuine visas, disappear with the money and passports. Often, though, supporters cannot raise the necessary funds for the relatively safest forms of fleeing. However, it can be assumed that those whose fate could not be documented and who presumably have less or no external support will either put themselves in even greater danger by fleeing again or will need to resort to even more desperate and dangerous survival strategies in Afghanistan. Indeed, Abdullah Maleki (IOM) stressed that given the unemployment situation, joining groups such as the Taliban is a realistic option even among voluntary returnees. It is difficult to document the numbers of those who join such militias or criminal gangs in order to survive, those who do it to get their revenge on the government that supposedly betrayed them,<sup>404</sup> or how many of those flee again as soon as the opportunity arises. Nonetheless, the social profile of being a young, unmarried man affected by socio-economic exclusion is the typical recruitment profile of insurgent or criminal organisations. The Taliban and criminals can thus exploit the socio-economic hopelessness and defencelessness of deportees as well as the despair and bitterness over their deportation

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**SUPPORTER OF ONE DEPORTEE:** "I know he's putting his life in danger trying to flee, but I don't have the money for another visa. I pray he makes it. And I'm trying to find the money for food, medicine and accommodation."

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404 Cf. AHRDO 2019: 20f.

for recruitment. The warning voiced by UNHCR, Human Rights Watch, Samuel Hall, the Refugee Support Network and AHRDO that deportations exacerbate the insecurity from which deportees have fled therefore applies not only to the deportees but also to the situation in Afghanistan more generally.<sup>405</sup>

## 2. HOPE FOR IMPROVEMENT?

In spite of all the uncertainty regarding predictions of political developments, given developments to date it is possible to identify preconditions for improvement, as well as risks of a deterioration in the situation of the population in general and of deportees in particular. These centre around the development of the civil war, protection from abuse of power and deprivation of rights, and the opportunity of economic recovery.

### 2.1 Hope for an end to the hostilities

Given the immense destruction of life, health and resources essential to survival, an end to the fighting is one of the central hopes of the Afghan population in relation to the various bilateral and multilateral negotiations<sup>406</sup> that have been going on for some time, e.g. since September 2020 in Doha between the “negotiating team of the Islamic Republic of Afghanistan”<sup>407</sup> and the Taliban. It is impossible to give accurate predictions about the security situation if only because the decisions of individual powerful actors have often had a significant impact on the dynamics of this war. Given the goal of the peace negotiations to integrate the Taliban into a national government, and the decision by US president Biden and NATO to unconditionally withdraw some 11,000 NATO troops and CIA units, as well as 13,500 private foreign security contractors, by 11 September 2021,<sup>408</sup> an expansion of the civil war is more likely than an end to the hostilities and uncontrolled violence by the warring parties. Linking further financial aid for the future Afghan government with commitments to democracy and human rights<sup>409</sup> will not change that.

This is not only due to terrorist organisations such as the IS, which was responsible for eight percent of civilian casualties in 2020 and remains capable of carrying out sophisticated attacks in Kabul, despite being fought by government and international troops as well as the Taliban.<sup>410</sup>

Another fact mitigating such hopes is that the military factions, currently largely connected to the government, have so far been prevented from taking military action against each other primarily through access to funding and weapons from international donors. This balance has been precarious on several occasions in the course of various disputes over the distribution of power between individual factions,<sup>411</sup> which is not only weakening the position of the governmental team in negotiations with the Taliban. Zalmay Khalilzad, the US’s chief negotiator, also points out that further fragmentation of the governmental team would encourage the Taliban to seek a “military solution”.<sup>412</sup> The fears raised by this competition are not limited to the difficulties

405 Cf. AHRDO 2019, Asylos 2017, Gladwell/Elwyn/UNHCR 2012: 32, Gossman/HRW 24.01.2017, Lobenstein 27.11.2019, Refugee Support Network 2016: 30f., Schuster 08.11.2016: 4 and 17, Samuel Hall 2016: 3, UNHCR December 2019: 19f.

406 Cf. AAN Team 18.02.2020

407 Due to the Taliban’s refusal to recognise the Afghan government as a legitimate negotiating partner and in recognition of the various opposition forces, this “negotiating team of the Islamic Republic of Afghanistan” (IRoA team) was formed for the negotiations in Doha. For details s. Adili/Ruttig 29.01.2021

408 Ruttig 14.04.2021

409 Cf. Clark May 2020: 32, Gebauer/Schult 16.04.2021, Jahanmal 17.11.2020, USDOS 27.04.2021

410 UNAMA February 2021a: 43, cf. Ruttig 09.05.2021

411 Discussed in detail in Stahlmann 28.03.2018: 76ff.

412 Koelbl 08.05.2021

it poses for negotiations with the Taliban. In conversations during my visit to Kabul in March 2020 I tried to learn more about the expectations people have about the different forms a possible Taliban takeover might take. However, since this was when Ashraf Ghani and Abdullah Abdullah had themselves been sworn in as presidents simultaneously in the wake of the presidential elections, my question met with a puzzled response on several occasions: “Haven’t you got it that a civil war could start today, right here in Kabul? The Taliban are coming, but right now the crucial question is whether war will break out here.” The fact that, only a few streets away from my accommodation, alleged Abdullah supporters fired rockets in the direction of the presidential palace on the occasion of Ashraf Ghani’s swearing-in<sup>413</sup> was ultimately only a harmless episode in the power struggle over the distribution of the still available external resources between competing power blocs. Nevertheless, it points to a real danger of a new civil war because if the Ghani camp had decided to mount a military response to this provocation this incident could have escalated very quickly in such a charged atmosphere. There is no doubt about the quantity of weapons in cities like Kabul, given the nightly shootings and the increasingly advanced arming of the population in neighbourhood militias in recent years.<sup>414</sup> Habiba Sarabi, former Deputy Chair of the High Peace Council<sup>415</sup> and current member of the governmental negotiation team in Doha, stressed to me in March 2020 that many of the old scores between the various warring factions have never been settled and continue to pose great potential for renewed escalation. It is significant that investigations and acknowledgement of previous war crimes has already been deliberately prevented over the past two decades out of concern for renewed escalations.<sup>416</sup>

One risk that arises from the withdrawal of international troops and an overall decline in international interest in the developments in Afghanistan<sup>417</sup> is that this will be accompanied by a reduction in resources which those in power, what Kate Clark calls “commander class”,<sup>418</sup> can divide among themselves. After all, the less there is to distribute, the less interest the factions have in ensuring that their competition for power does not result in further civil war fronts. As destructive as the immense flow of money for the benefit of the governing elite since 2001 has been to hopes for democracy and civilian livelihoods, a withdrawal of these funds now would be risky.<sup>419</sup> Warnings are therefore growing louder that there may be a collapse of the state and a renewed period of bloody civil war, as happened following the withdrawal of Soviet troops and Russia’s withdrawal from financing Najibullah’s government in 1992.<sup>420</sup> On the one hand the Taliban’s involvement in government will significantly reduce the funds that have benefited other military factions. On the other hand there is a risk that with the official end of the war and the aim of integrating the Taliban into the government, there will no longer be a strategic military interest in enabling the government to defend itself against the Taliban. Moreover, since Kate Clark’s assumption seems to be true that Afghanistan is becoming less important to the US,<sup>421</sup> an overall reduction in funds, which currently make up 75 percent of government expenditure, is to be expected<sup>422</sup> – and all the more so if these funds are actually tied to commitments to democracy and human rights standards, as set out in the framework agreement of the Afghanistan donor conference in Geneva.<sup>423</sup> The current government is also far from meeting these standards, and ideologically many of the factions

413 Safi/Makoi 09.03.2020. The assessment that Abdullah supporters were responsible was the consensus in the neighbourhood of the attack and among my interlocutors in the days that followed. Later, the IS claimed responsibility. (cf. UNAMA February 2021a: 38).

414 Cf. Ansar 10.02.2018, Hadid/Qazizai 18.12.2020, Ruttig 09.05.2021

415 The High Peace Council was an institution established by President Karzai and entrusted with peace negotiations until 2019.

416 Cf. Gossman/Kouvo June 2013

417 Clark May 2020, Nelles 14.04.2021

418 Clark May 2020: 18

419 Clark May 2020, cf. SIGAR 30.04.2021: 2

420 Cf. Clark May 2020, Qanie 22.11.2020, Rubin 26.03.2020

421 Nelles 14.04.2021

422 Rubin 26.03.2020 and 24.11.2020

423 Ruttig 24.11.2020, cf. Clark May 2020: 32

involved in the government are very close to the Taliban in their stance on democracy and human rights.<sup>424</sup> However, no serious commitment to democracy or human rights can be expected from the Taliban. By the time the current government is no longer able or there is no interest on the part of the Taliban to pay current soldiers and police officers, they will have little choice but to join the Taliban or other armed groups.

Another question is to what extent other military factions would tolerate formal participation in power-sharing arrangements or the government by the Taliban or their outright assumption of power. A certain domino effect and the defection of elements of the Afghan security forces, larger social and also some military networks to the Taliban is to be expected as soon as a Taliban takeover becomes apparent.<sup>425</sup> Yet once the Taliban claim power over areas belonging to the heartland of the major military factions, or demand formal subjugation to their claim to government, it will be hard to imagine that there will be no violent opposition.<sup>426</sup> There is no doubt that the Taliban's goal is to seize power and govern. Engaging in negotiations first may bring them to their goal more quickly than military action alone, and the prospect of international aid may contribute to engaging in such negotiations.<sup>427</sup> However, the danger of an escalating civil war between Taliban and other military factions<sup>428</sup> is not countered by such interests, because that would require the Taliban or other military factions to refrain from asserting their claim to power out of consideration for the civilian population and its desire for peace – something that fundamentally contradicts their behaviour so far. Even with many voices and increasingly insistent pleas calling for a reduction in hostilities or at least a stop to attacks on health facilities, these requests have so far been in vain.<sup>429</sup> Instead, the number of civilian casualties has risen by 38 percent in the six months since peace negotiations began in September 2020 compared with the same period the previous year.<sup>430</sup> Susanne Koelbl reports that the price of a Kalashnikov, which is considered an indicator of the current level of tension, has risen from USD 100 to USD 1,000 in the past six months alone.<sup>431</sup>

International donors also have limited influence as they are far from being the only influential external actors. Afghanistan will continue to be of great strategic importance in the region and thus in the conflicts that shape it. And for at least the last forty years, such interests have been represented by substantial financial and military resources without any consideration for the population's desire for peace.<sup>432</sup> The antagonisms between India and Pakistan, Iran and Saudi Arabia, Russia and the US, and Iran and the US that influence the region so greatly thus carry the risk of further escalation.<sup>433</sup>

## 2.2 Hope for protection against the abuse of power and deprivation of rights

The hope of protection from at least the most extreme forms of abuse of power by those wielding it, or the guarantee of fundamental rights, would require not only effective peace but, given an expected significant tightening of the Taliban's grip on power, at least their willingness to engage. The hope that some associate with a complete takeover of power by the Taliban is that crime and even corruption might decline<sup>434</sup> – at least

424 Ruttig 14.04.2021, Stahlmann 28.03.2018: 91ff.

425 Stahlmann 28.03.2018: 56ff., cf. Ruttig 15.04.2021

426 Stahlmann 28.03.2018: 336ff., cf. Hadid/Qazizai 18.12.2020

427 Ruttig 15.04.2021

428 Cf. Amiry 04.02.2021, Koelbl 08.05.2021, Shaheed 25.03.2021, Wieland-Karimi 28.04.2021

429 Cf. Al Jazeera 17.06.2020, Ashrafi 23.03.2021, UNAMA 23.02.2016 and UNAMA June 2020, Watchlist on Children and Armed Conflict 2017

430 UNAMA April 2021: 1, cf. Constable 25.10.2020

431 Koelbl 08.05.2021

432 Cf. Stahlmann 28.03.2018: 60ff., Harpviken 2021, Watkins/Sharan April 2021

433 Cf. Harpviken 2021 on current interests and positions.

434 Cf. Feroz 20.04.2021

if assaults do not originate from their allies<sup>435</sup> and increasing destitution does not force even more people into committing crimes for their survival. So far, the Taliban seem to be gaining legitimacy over the government at the local level because of reduced corruption especially in the judicial system and, for example, in the settlement of land disputes, although there are also reports of corruption in Taliban courts.<sup>436</sup>

However, there is nothing to suggest that the Taliban would be willing to make any relevant commitments on issues of democracy or human rights either substantively or in the form of actual power sharing. The governmental team has little bargaining power left following the concessions made in order to bring about the US-Taliban withdrawal agreement<sup>437</sup> and given the unconditional withdrawal of international troops. The loss of power of the already fragile government that is beset by infighting has also worsened in recent months, and the announcement of an unconditional withdrawal of international troops by 11 September 2021 does not suggest that this might change or the better. At the same time, the Taliban have, as at least in terms of a tolerable government-faction, been largely recognised by the international community. As Habiba Sarabi pointed out in March 2020, the withdrawal agreement between the US and the Taliban of 29 February 2020 reads as though the international community recognises the “Islamic Emirate”, in other words the Taliban, as a government. Significantly, the civil society actors in the governmental negotiating team are not involved in other negotiation.<sup>438</sup> Susanne Koelbl quoted one participant in the Doha negotiations as saying that the Taliban behaved “as if the government in Kabul had surrendered and only the terms of their submission had to be agreed.”<sup>439</sup> According to Thomas Ruttig, the Taliban are convinced that “a peace agreement and power sharing will only be possible on their terms”<sup>440</sup>. Contributing to this self-confidence may be the Taliban’s ability to persecute their opponents freely across the country and the fact that they can effectively control the population through surveillance and taxation – something that usually precedes their military control and thus encompasses much larger areas, even provincial capitals, than those in which they are the sole ruling power. As early as 2018 it was documented that the Taliban were able to collect taxes even in parts of Kabul.<sup>441</sup> Added to this, the fact that the Taliban expanded their attacks and assassinations of high-profile state and civil society actors at the beginning of the negotiations<sup>442</sup> shows that they see themselves in a position of strength that allows them to stop making concessions even in the short term. Evidently, they are still in the financial position to be able to expand the high level of military engagement despite the economic crisis – as shown by the number of attacks which rose by 37 percent in the first quarter of 2021 compared to the same period the previous year.<sup>443</sup>

Even if compromises, such as a guarantee of fundamental rights or an end to persecution, were agreed based on the promised funds, the question remains whether the Taliban leadership would be willing and able to implement these internally. Human Rights Watch warns that there is a huge disparity between official statements by the Taliban regarding the granting of rights and their practical implementation at the local level, suggesting a lack of consensus within the Taliban. Consequently, an agreement to protect human rights in a peace treaty would not necessarily mean that these rights would be put into practice locally.<sup>444</sup> Habiba

435 Experience shows that abuses of power by local Taliban-units often have to be severe in order to lead to disciplinary action or exclusion (cf. Osman 23.22.2016). Cf. HRW 30.06.2020.

436 BBC News 08.06.2017, Mackenzie/Razmal 03.12.2017, Jackson 2018: 19f., Saifullah 15.03.2017, Walsh/CNN 14.04.2021, Weigand 07.08.2017

437 These include the release of 5,000 Taliban fighters. (cf. Koelbl 08.05.2021).

438 Example in Ruttig 02.04.2021

439 Koelbl 16.10.2020

440 Ruttig 14.04.2021, cf. Maley 28.12.2020

441 Jackson 2018: 22

442 Quilty 12.10.2020, UNAMA February 2021c and April 2021

443 SIGAR 30.04.2021: 29

444 HRW 30.06.2020



Sarabi also stressed that the Taliban that negotiated the withdrawal agreement with the US have little to do with the ones who actually govern. While according to her the former send their daughters to international schools and live off international business, the latter were hardly distinguishable from those who ruled until 2001. Indeed, in 2019 as many as 93 percent of the population said they were afraid of encountering the Taliban.<sup>445</sup>

In addition, Human Rights Watch documented an increase in restrictions and a disregard for fundamental rights, also those called for at the local level, as soon as the Taliban consolidated their control in an area. According to the organisation, this is also worrying because, as the government's influence wanes, it becomes less likely that the Taliban will acquiesce to demands from the population or peace negotiation partners that fundamental rights be upheld.<sup>446</sup>

Thus, the question arises of whether there are external actors who would be willing and able to defend possible substantive compromises in respect to a peace treaty. The linking of funds promised by the international donor conference in November 2020 with the observance of human rights standards and the more recent assertions of wanting to exert political influence through development aid even after the withdrawal of international troops<sup>447</sup> is indeed a positive sign in this regard, because even a Taliban government would be dependent on international support for effective government action.<sup>448</sup> The hope would be that this could strengthen local communities in their negotiations with the Taliban for concessions.<sup>449</sup> However, the willingness and ability of donors to enforce human rights and basic standards of governance have already been almost non-existent in regards to the governments in Kabul so far. And it cannot be expected that the Taliban will allow anyone to dictate them to how prisoners should be treated and which procedural law standards must be upheld to provide fair trials; or that they will refrain from collective punishment, co-persecution of relatives and corporal punishment, and recognise that freedom of religion also safeguards the right to renounce a religion or belief. Nor can it be expected that they will respect the right of women to participate in life beyond their own four walls, or that they will stop the systematic suppression of the press and any form of criticism, and refrain from the political persecution of their opponents. As Human Rights Watch points out, the Taliban have made it clear in their governance to date and by suppressing all criticism that they do not feel accountable to the population.<sup>450</sup> Indeed, the fact that they would intend to be accountable to the US or European countries, or grant an actual say in the use of funds or even be willing to effectively monitor compliance with human rights standards seems illusory. While it is true that it has so far been tolerated for development aid money to be used to pay for schools and teachers who teach the Taliban's curricula,<sup>451</sup> it seems hard to justify using European taxpayers' money to pay judges whose sentences result in floggings, amputations and executions.

For civil-society actors who have resisted the Taliban so far, there is no space left for action even if they were willing, as they have been up to now, to expose themselves to the everyday danger of persecution, which is expected to become more efficient as the Taliban's grip on power tightens.<sup>452</sup> The German government recently recognised the even greater danger of persecution in respect to its local employees.<sup>453</sup> However, in

445 The Asia Foundation 2019: 61

446 HRW 30.06.2020, cf. HRW 30.06.2020, Jackson 2018: 20f., NIC 02.04.2021, Saifullah 15.03.2017, Walsh/CNN 14.04.2021, UNHCR August 2018: 65ff., USDOS 10.06.2020

447 Clark May 2020: 32, Gebauer/Schult 16.04.2021, Jahanmal 17.11.2020, USDOS 27.04.2021

448 Cf. Clark May 2020, Ruttig 15.04.2021

449 Cf. NIC 02.04.2021, Smith April 2020

450 HRW 30.06.2020

451 Cf. BBC News 08.06.2017, Clark/Bjelica 06.12.2018, Giustozzi 23.08.2017a: 20, HRW 30.06.2020, Smith April 2020

452 Cf. Koelbl 29.03.2021

453 Tagesschau 18.04.2021

the way the Taliban view persecution, it applies in principle to all who have so far resisted the Taliban's agenda or whom they have declared to be enemies. Exceptions to this could be large social or military networks, as well as professionals who are credibly willing to join the Taliban.<sup>454</sup>

In any case, however, given that large sections of the population agree with the Taliban in questioning many fundamental rights, it must be expected that the persecution of returnees from Europe for religious and political reasons will be expanded. It is also foreseeable that it will become much more difficult, and in many cases completely impossible, to document war crimes, human rights violations and, in particular, political persecution.<sup>455</sup>

### 2.3 Hope for an improvement in the humanitarian situation

An improvement regarding the humanitarian situation, or at least an end to the escalation of the crisis, would not only require an end to the hostilities, the displacements, the exploitative abuse of power by local and national rulers and a few years without major natural disasters; a number of other conditions would also need to be met for the traditional social security systems, to which there are currently no alternatives, to take on an actual safety net function again.

These would include ensuring access to resources regardless of loyalty to military or political factions and ending the systematic exploitation of the population by these same factions. This would not only require a civilian government and an end to the hostilities - this government would also have to ensure that resources were accessible without discrimination. However, this is countered by the dependency and patronage structures that have been continually promoted over the past two decades and which the political and military factions use to assert their power interests and to mobilise resources.<sup>456</sup>

These conditions also include guaranteed access to land and property that internally displaced persons have been forced to abandon.<sup>457</sup> However, since the loss of land is usually the result or even the aim of persecution and local power struggles, the restitution of illegally occupied land poses a major political, legal and social challenge. Without accountability for related war crimes and the subsequent suffering of the civilian population, this stands little chance to succeed.<sup>458</sup> It is, however, difficult to imagine that the Taliban or other factions would be willing to engage in a self-critical acknowledgment of their past injustices.<sup>459</sup>

A medium-term improvement of the economic situation would also require substantial investment in both humanitarian protection as well as economic development and recovery of livelihoods. In this regard, the lessons learned as the ISAF's mission drew to an end are disturbing. This withdrawal not only led to a severe economic slump because ISAF was the largest employer in Afghanistan; it also led to a decline in international funding because many programmes were institutionally tied to the ISAF, and the protection that many international organisations considered essential was removed.<sup>460</sup> A similar scenario can be expected with the

454 Stahlmann 28.03.2018: 56ff.

455 Even intelligence agencies such as the CIA warn that their work will be made much more difficult (cf. Zengerle/Landay 15.04.2021).

456 Cf. AREU January 2016, Bhatia et al./AREU June 2004, Clark May 2020, Gossman/Kouvo June 2013, Hewad 08.10.2012, HRW November 2002, September 2011 and 03.03.2015

457 As early as 2016, 20 percent of IDPs reported that they were unable to return to their homes due to land grabbing (Poncin/FAO 01.09.2016: 61).

458 Cf. Ariana News 21.02.2016, Gaston/Dang June 2015, Jackson 2018: 21, Muzhary 12.05.2017, UNHCR 01.09.2013, Wily February 2013

459 Such a reappraisal was already suppressed after the beginning of the NATO intervention. (Cf. Gossman/Kouvo June 2013)

460 Cf. Clark May 2020: 9 and 14, ICG 03.10.2016, Lobenstein 27.11.2019, Stahlmann 28.03.2018: 9f.

withdrawal of the remaining troops and the end of the government in its current form. It cannot be expected that donor countries will be willing to invest significantly higher sums than before in the economic recovery and people's livelihoods, along with developing corresponding structures of cooperation, in a government partially or completely dominated by the Taliban, if only because the Taliban will not be willing to subject their spendings to external scrutiny. Indeed, the government has so far not been trusted to use international funds appropriately,<sup>461</sup> so it is unclear why the Taliban should be trusted not to invest at least part of the funds intended for economic recovery in the violent enforcement of a totalitarian claim to power that despises human rights.

Humanitarian assistance is generally granted regardless of the political circumstances, and it is hoped that humanitarian organisations will continue to have broad access to those in need. However, if the Taliban's grip on power tightens at a national level, it is by no means guaranteed that this will continue to be the case for the section of the population who have resisted the Taliban. In the central highlands, memories are still vivid of the Taliban's tactics to break Hezb-e Wahdat resistance in the winter of 1997 by blocking all transport of food to the region, thereby cutting off food supplies to about a million people in Ghor, Wardak, Ghazni and Bamyān.<sup>462</sup> And although the Taliban continue to benefit from international funding, they regularly delay or prevent even humanitarian interventions and also attack hospitals and deminers.<sup>463</sup>

Higher sums than those paid so far would also be needed to offer a realistic chance of economic recovery and to enable social networks to take over socio-economic safety net functions again. According to the UNDP, just to offset the impacts so far of the Covid-19 pandemic within the next four years would require four years of progressive growth, social security instruments and a thirty percent increase in international aid.<sup>464</sup> Instead, the latest donor conference in Geneva in November 2020 committed USD 3 billion less than the previous four-year cycle.<sup>465</sup> The long-standing pattern of pledged humanitarian funding falling far short of needs also continues.<sup>466</sup>

Moreover, because the humanitarian protection of large sections of the population is so dependent on private remittances by Afghans in exile, the economic recovery of exile communities would be a condition for reducing hardship.<sup>467</sup> For this to happen, the countries in the region would need to recover from the coronavirus pandemic, and Afghan migrants would at least have to be tolerated there and given legal access to the labour market. With regard to Iran, this would foreseeably also require the lifting of international sanctions necessary for an economic recovery.

Even in an ideal world, such a recovery would take years. However unlikely these ideal circumstances are, for deportees to benefit from such a development, too, the interest in their persecution would also need to end, and with it the dangers to families or supporters, as well as all other factors that lead to their social exclusion. However, it is foreseeable that given a tightening of the Taliban's grip on power, families will be even less able to risk taking in supposedly or actually "westernised" deportees and integrating them socially and economically.

461 Cf. SIGAR reports at <https://www.sigar.mil/quarterlyreports/>

462 Cf. Maley 2002: 230, Schetter 2003: 537

463 Cf. Insecurity Insight 21.05.2020, OCHA December 2020: 15 and 24f., UNAMA (n.d.)

464 UNDP 11.11.2020

465 SIGAR 30.01.2021: iii

466 OCHA 17.03.2021: 4.

467 OCHA December 2020: 6 and 82, MSF March 2020: 11

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## ANNEX III QUESTIONNAIRE (ENGLISH VERSION)

Friederike Stahlmann \* xxxxxxxxxxx \* xxxxxxxxxxx \* xxxxxxxxxxx

Thank you very much for agreeing to participate in this survey!

Since summary deportations of Afghans from Germany began in December 2016, the fate and stories of many deportees were shared in social media and in the press. These stories confirm earlier qualitative studies about risks upon return and illustrate many of the dangers people in Afghanistan face on a daily basis.

However, in order to gain political and judicial recognition, a systematic evaluation of these experiences is of grand importance. In particular, German courts regularly demand quantitative evidence of risks upon return. Therefore, the aim of this evaluation is to document the experiences of deportees in a quantitative manner. For statistical reasons this evaluation is limited to deportees from Germany and therefore focused on male adult deportees. However, in case you are in contact with deportees from other European countries whose stories seem remarkable in any way, please feel free to share these too.

Whenever possible, first-hand accounts of deportees are obviously preferable. Should the deportee, whom you are in contact with, agree to share his story and experience with me directly, I am most grateful if you hand on my contact details. However, my foremost concern is not to exacerbate existing dangers by conducting this survey. As such dangers might be provoked by a public search for deportees or unwarranted kinds of contact, this survey primarily addresses contact persons of deportees who already have information about the experiences of those concerned. In case you did not gain certain information first-hand from the deportee himself, please indicate so.

While the main aim of this survey is to establish quantitative evidence of post-deportation experiences and personal data are treated with strictest confidentiality, certain kinds of information (such as accounts of persecution) might still bear the risk of identification. Be assured that such accounts will only be quoted with the utmost caution to avert this risk of identification.

Lastly, this monitoring is designed as an ongoing effort. I thus would be most grateful, if you let me know about relevant changes in the situation of the deportee you are in contact with, should they occur in the future.

In case you have of questions or concerns, please do not hesitate to contact me.

With best regards,

Friederike Stahlmann



**Evaluation of experiences by Afghan deportees from Germany  
Survey among contact persons of deportees**

**— VERSION FOR CONTACT PERSON —**

**Details contact person**

*(in case you agree to be contacted for follow-up questions)*

Name: .....

Preferred contact details (phone number, Email-Adr, etc): .....

**Details deportee**

*(Will only be used in order to avoid double listing of the deportee in the survey and treated with strictest confidentiality!)*

Date of the deportation flight	
Name	

**Actuality of your contact**

Since when are you in contact with the deportee?	
When was your last contact?	
Could you answer these questions in consultation with the deportee?	

**Arrival in Kabul**

Were representatives of international organisations (IOM, IRARA, etc...), the German embassy, or the MoRR at the airport? If yes: which?	
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Was he offered a connecting flight to another town at the expense of IOM or IRARA? If yes: why did he accept or decline it?	
Was he handed cash in order to meet his acute needs? If yes: by whom and how much?	
Did he get to know where to find temporary shelter?	
Did he get to know how to apply for assistance? If yes: when and by whom?	

### Further migration and current whereabouts

Do you have information about his whereabouts since arrival in Kabul?

Yes	No

In case he has not left Afghanistan since his deportation:

He remained in Kabul	
He is in a different part of the country. If yes: where?	
He plans to remain in Afghanistan.	
He hopes for a regular return to Europe (by visa for marriage, work, pending trials, etc.)	
He plans to flee again	

In case he has left Afghanistan since his deportation:

After how many weeks/months after deportation did he leave Afghanistan (if necessary an estimate)	
After leaving Afghanistan he was deported again (from Europe, Turkey, Iran...)	
In which country is he now?	

**Housing situation**

Do you have information about his housing situation since arrival in Afghanistan?

Yes	No

If yes: Where and which kind of accommodation did he find apart from the 2-weeks stay in the IOM/AKF accommodation after arrival?

Kind of accommodation	Town/Province	Only temporarily available. If yes: why?	Permanently available
Hotel			
Simple hostel (e.g. chaykhana)			
With friends or family, rent-free – publicly known			
With friends or family, rent-free – mainly hidden			
Regularly rented single flat			
Regularly rented shared flat or house			
Paid hiding-place			
„Informal settlement“ (inadequate availability of e.g. water, electricity, sanitation, protection from weather conditions)			
Homeless			
Other			

**Funding daily expenses (e.g. transport, food, housing, clothing, medical care, communication, bribes, etc...)**

Do you know how he afforded daily expenses in Afghanistan?

Yes	No

If yes: How did he afford daily expenses?

Kind of funding	Main source of funding	Additional source of funding
Savings prior deportation		
Employment or self-employment		
Return assistance If yes: by whom, when and how much?		
Humanitarian Aid		
External support (e.g. friends in Germany or family abroad)		
Loan		
Other		

In case he has family in Afghanistan who supports him:

Family is able and willing to support him temporarily (up to 3 months)		
Family is able and willing to support him permanently		
Family supports him, but has to refer to means that endanger its livelihood in order to do so (sell land, take up loan, marry a girl...)		

In case he has family in Afghanistan who doesn't support him:

Family is willing, but unable to support	
Family is able, but unwilling to support	
Family is both unwilling and unable to support	
He can't contact his family. If yes: why? (security risk for him or them, unknown whereabouts...)	

Did he have debts at the time of deportation? (only regarding lenders outside Europe)

Yes	No	Unknown

Were others financially dependent on him prior his deportation? (Only regarding dependants outside Europe, such as relatives in Afghanistan, Iran, Pakistan, Turkey...)

Yes	No	Unknown

If yes: Is he expected to continue this support in the near future?

Yes	No	Unknown

**Medical Care**

Do you know, if he was in need of medical care after deportation?

Yes	No

If he was in need: Which kind of care did he require?

Physical illness (acute)	Physical illness (chronic)	Psychological illness

Which experiences has he made in seeking medical care?

He received the necessary care for free from state or humanitarian health care institutions.	
He received the necessary care from commercial health care institutions.	
The available care was of insufficient quality.	
He could not afford the available care. If yes: estimation of costs	

No care was available.	
Other	

### Experiences of violence

Do you know if he experienced violence since his deportation?

Yes	No

In case he experienced violence: how often did he experience which kind of violence?

Criminality If yes: which kind (e.g.: robbery, extortion, kidnapping, battery, murder)	
Continuation of pre-flight persecution If yes: by whom?	
Assault or threat of violence due to his status as a deportee If yes: by whom?	
Assault or threat of violence against his family or supporters due to his return If yes: by whom?	
Assault or threat of violence in sanction of his assumed or actual behaviour in Europe If yes: by whom?	
Victim of warfare (rocket attack, suicide attack, bombs or mines, shooting, etc.)	
Imprisonment, assault or threat of violence by state security forces or local militias associated with the state	
Imprisonment, assault or threat of violence by AGEs or local militias associated with them	
Self-harm/Suicide	
Other	



