



AFGHANISTAN

SITUATION REPORT

Global Detention Project

Geneva, 8 September 2021

ABOUT THIS REPORT

The evacuation of US and other international forces has led to a new surge in Afghans seeking to flee their country, joining millions of their compatriots who have fled in recent decades because of internal conflicts and military invasions. Instead of responding to this new humanitarian plight by offering safe haven to these refugees, many countries in Asia, Europe, and the Middle East have responded by urging restrictions on refugee movements and erecting barriers aimed at halting flows out of Central Asia. This Global Detention Project “Situation Report” provides an overview of the early responses to the Afghan crisis in key countries across the globe as well as a summary of recommendations provided by international and regional human rights monitors and humanitarian organizations.

ABOUT THE GLOBAL DETENTION PROJECT

The Global Detention Project (GDP) is a non-profit research centre based in Geneva, Switzerland, that investigates the use of detention in response to global migration. The

GDP’s aims include: (1) providing researchers, advocates, and journalists with a measurable and regularly updated baseline for analysing the growth and evolution of detention practices and policies; (2) facilitating accountability and transparency in the treatment of detainees; and (3) encouraging scholarship in this field of immigration and refugee studies.

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Introduction

As of 31 August 2021, the deadline for United States and foreign troops to leave Afghanistan, more than 100,000 people had been evacuated from the country in unprecedented airlifts from Kabul airport. The UN High Commissioner for Refugees (UNHCR) has said that many more Afghans will try to flee the country, including an estimated half a million by the end of the year.¹ This urgent humanitarian situation has spurred neighbouring countries, as well as countries in Europe and elsewhere in the globe, to begin implementing measures that will dramatically impact the health, security, and well-being of these people.

The situation inside Afghanistan also has important ramifications for Afghans who were already residing outside the country prior to the exit of foreign troops, in particular those slated to be deported back to Afghanistan. In recognition of the human rights and security risks these people would face back in Afghanistan, UNHCR issued a “non-return advisory” in mid-August, calling “on States to suspend the forcible return of nationals and former habitual residents of Afghanistan, including those who have had their asylum claims rejected.”

Neighbouring countries

¹ Stephanie Nebehay and Emma Farge, “Half a Million Afghans Could Flee Across Borders – UNHCR”, *Reuters*, 27 August 2021, <https://www.reuters.com/world/asia-pacific/half-million-afghans-could-flee-across-borders-unhcr-2021-08-27/>

The immediate destinations for those fleeing the Taliban regime are neighbouring countries, who have already hosted millions of Afghan refugees during the past several decades. In July 2021, 1.4 million Afghans were registered as refugees in Pakistan, with a further two million Afghans displaced in the country. Iran hosts 800,000 registered Afghan refugees and an estimated three million unregistered Afghans.² Other neighbours – including Uzbekistan, Turkmenistan and Tajikistan – have hosted smaller numbers of Afghan refugees.

However, all of Afghanistan’s neighbours have expressed concerns about a new exodus of refugees. Pakistan, Uzbekistan, Tajikistan, and Turkmenistan have all declared that their borders are closed; Pakistan has said that it is unable to take in any more Afghan refugees, although the Spin Boldak-Chaman border crossing into Pakistan remained open as of this writing. While Uzbekistan cited security reasons for closing its border, Turkmenistan has declared that its border with Afghanistan is closed due to COVID-19 controls.

Iran’s largely uncontrolled border with Afghanistan remained open as of early September 2021, with an estimated 7,000 people crossing every day. There are few checks at border crossings and as of this writing no international assistance was being provided. Iran is likely to be a sought-after haven for Hazara Shia Afghans fleeing the Taliban.³

Turkey

While not bordering Afghanistan, Turkey – which hosts the largest refugee population in the world, of whom 3.6 million are Syrian and more than 300,000 are Afghans – is a likely destination and transit point for Afghans trying to reach Europe. The Turkish government has been unequivocal in its stance, stating that it cannot take in any more Afghan refugees and it won’t be used as a “migrant storage unit” for refugees trying to reach Europe.⁴ Fearing large influxes of migrants and refugees, Turkey has constructed a huge wall and surveillance system along its 295km border with Iran to prevent refugees from entering the country.

In recent weeks thousands of Afghan refugees have gathered along the Iranian-Turkish border, but very few have been allowed in. Some 1,400 Afghans were expelled from Turkey by Turkish border guards and military police in a single operation in July and hundreds more, including women and children, are being held in detention in towns across eastern Turkey.⁵ Afghan families have described

²European Council on Refugees and Exiles, “Joint Statement on Current Priorities for an EU Response to the Situation in Afghanistan”, 25 August, 2021, <https://ecre.org/joint-statement-current-priorities-for-an-eu-response-to-the-situation-in-afghanistan/>

³Eric Reidy, “Shrinking Options for Afghans Escaping Taliban Rule”, *The New Humanitarian*, 30 August, 2021, <https://www.thenewhumanitarian.org/analysis/2021/8/30/Afghan-refugees-escape-Taliban-rule>

⁴Euromed Rights “Afghan Refugees Stuck in Limbo at Turkish Border Need EU Protection”, 31 August 2021, <https://euromedrights.org/publication/afghan-refugees-stuck-in-limbo-at-turkish-border-need-eu-protection/>

⁵ Euromed Rights “Afghan Refugees Stuck in Limbo at Turkish Border Need EU Protection”, 31 August 2021, <https://euromedrights.org/publication/afghan-refugees-stuck-in-limbo-at-turkish-border-need-eu-protection/>

repeatedly trying to cross the border into the Van region of Turkey that borders Iran, being caught by the police and deported or detained.⁶ Afghans in Turkey do not enjoy protection under the 1951 Refugee Convention, or temporary protection like the Syrians, and are at constant risk of deportation, as well as being the targets of racist attacks and hate crimes. An estimated 53,000 Afghans were deported from Turkey between 2018 and 2019.⁷

Fortress Europe

Across Europe walls and fences are being constructed to keep refugees out, a process that started before the Afghan crisis erupted but which will inevitably impact new flows of refugees from the country.

Countries bordering Belarus

In recent months, Poland, Lithuania, and Latvia have accused neighbouring Belarus of “weaponizing” migration in retaliation to the sanctions imposed by the EU following the forced diversion of a passenger plane by Belarussian authorities in May 2021. They report significant increases in migrants—many of them from Iraq and Afghanistan, as well as other Middle Eastern, African and Asian countries—crossing into their territory from Belarus.

These countries have all responded to the new influxes by implementing harsh pushbacks, boosting detention efforts, and building new border fences.⁸ Poland has put up six kilometres of 2.5 metre-high razor wire fencing and Lithuania has recently started the construction of a 508km barrier along its border with Belarus. On 10 August, Latvia also declared a state of emergency saying that its border with Belarus was “effectively closed” and border guards started to push back groups of migrants trying to cross the border. Latvia has detained 283 migrants who have crossed from Belarus since 6 August (bringing the total number of people detained in 2021 to 343).⁹ Lithuania, which has received over 4,000 migrants since the start of 2021 – a 50-fold increase since 2020 – reportedly pushed back over 700 migrants into Belarus in the first week of August, allowing only women and children to stay.¹⁰

Carlotta Gall, “Afghan Refugees Find a Harsh and Unfriendly Border in Turkey”, *New York Times*, 23 August, 2021, <https://www.nytimes.com/2021/08/23/world/europe/afghanistan-refugees-turkey-iran-taliban-airport.html>

⁶ Carlotta Gall, “Afghan Refugees Find a Harsh and Unfriendly Border in Turkey”, *New York Times*, 23 August, 2021, <https://www.nytimes.com/2021/08/23/world/europe/afghanistan-refugees-turkey-iran-taliban-airport.html>

⁷ Euromed Rights “Afghan Refugees Stuck in Limbo at Turkish Border Need EU Protection”, 31 August 2021, <https://euromedrights.org/publication/afghan-refugees-stuck-in-limbo-at-turkish-border-need-eu-protection/>

⁸ Jon Henley, Andrew Roth and Jennifer Rankin, “Latvia and Lithuania Act to Counter Migrants Crossing Belarus Border”, *The Guardian*, 10 August 2021; <https://www.theguardian.com/world/2021/aug/10/latvia-and-lithuania-act-to-counter-migrants-crossing-belarus-border>; Benjamin Bathke, “Migrant Situation in Lithuania Enters New Phase as Arrivals Slow Down”, *Info Migrants*, 16 August, 2021; Emma Wallis “Latvia Begins Pushing Migrants Back at Belarus Border”, 12 August 2021, *Info Migrants*, <https://www.infomigrants.net/en/post/34262/latvia-begins-pushing-migrants-back-at-belarus-border> and Noami O’Leary, “Fences Built Along EU Borders to Curb Migrant Crossings”, *Irish Times*, 27 August 2021, <https://www.irishtimes.com/news/world/europe/fences-built-along-eu-borders-to-curb-migrant-crossings-1.4658133>

⁹ Emma Wallis “Latvia Begins Pushing Migrants Back at Belarus Border”, 12 August 2021, *Info Migrants*, <https://www.infomigrants.net/en/post/34262/latvia-begins-pushing-migrants-back-at-belarus-border>

¹⁰ Benjamin Bathke, “Migrant Situation in Lithuania Enters New Phase as Arrivals Slow Down”, *Info Migrants*, 16 August, 2021, <https://www.infomigrants.net/en/post/34328/migrant-situation-in-lithuania-enters-new-phase-as-arrivals-slow-down> and Benjamin Bathke, “Afghans Stranded in Poland Refuse to Return to Belarus”, *Info Migrants*, 23 August, 2021, <https://www.infomigrants.net/en/post/34509/afghans-stranded-in-poland-refuse-to-return-to-belarus>

Poland's Defence Minister reported in mid-August that the country was sending 900 troops to secure its border with Belarus.¹¹ The Interior Ministry said that 3,500 people had attempted to cross the Polish-Belarusian border in August 2021 alone, of whom 2,500 had been prevented from crossing and 900 people had been detained.¹² This compares to 122 migrants who were detained in the whole of 2020.¹³ In what has been described as a "Kafkaesque standoff", a group of 32 Afghans have been caught up in this situation and have been stranded in increasingly dire humanitarian conditions on the border between Belarus and Poland for over three weeks as Poland refuses to accept them and Belarus refuses to take them back.¹⁴

The situation in Poland was exacerbated in early September when the Polish government declared a 30-day state of emergency at nearly 200 sites along its border.¹⁵ Just before this declaration, on 24 August 2021, UNHCR issued an appeal to Polish authorities calling on them to provide the stranded Afghans access to their territory, immediate medical care, legal aid and social and psychological support, as well as individual assessment of each case, before expelling them or refusing entry to its territory. It called on Poland to uphold its obligations under international refugee law and urged all parties, including Belarus, to resolve the deadlock and avoid instrumentalizing refugees in a vulnerable situation.¹⁶

Greece

Shortly after the announcement of the US pull-out from Afghanistan, Greece also declared that it was constructing a 40-kilometre wall and surveillance system along its border with Turkey, vowing that it would not be a "gateway to Europe" for Afghan refugees.¹⁷ According to UNHCR, 45 percent of migrants arriving in Greece in June 2021 were from Afghanistan.¹⁸ Since Greece announced in June that Turkey was a "safe third country" to which asylum seekers from Afghanistan, Syria, Pakistan, Somalia, and Bangladesh could be safely returned, the majority of Afghans in Greece have been rejected and are awaiting return back to Turkey.¹⁹ Greek refugee

¹¹ Alicja Ptak, Anna Koper, Pawel Florkiewicz et al, "Poland Sends Troops to Belarus Border as Migrant Numbers Surge", *Reuters*, 18 August, 2021, <https://www.reuters.com/world/europe/poland-sends-troops-belarus-border-migrant-numbers-surge-2021-08-18/>

¹² Alicja Ptak, Anna Koper, Pawel Florkiewicz et al, "Poland Sends Troops to Belarus Border as Migrant Numbers Surge", *Reuters*, 18 August, 2021, <https://www.reuters.com/world/europe/poland-sends-troops-belarus-border-migrant-numbers-surge-2021-08-18/>

UNHCR "Refugees Daily", 5 September, 2021, <https://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=52fc6fbd5&id=6135adeb3>

¹³ Benjamin Bathke, "Afghans Stranded in Poland Refuse to Return to Belarus", *Info Migrants*, 23 August, 2021, <https://www.infomigrants.net/en/post/34509/afghans-stranded-in-poland-refuse-to-return-to-belarus>

¹⁴ Info Migrants, "Afghans Stranded in Poland Refuse to Return to Belarus", 23 August, 2021,

<https://www.infomigrants.net/en/post/34509/afghans-stranded-in-poland-refuse-to-return-to-belarus> and Lizzy Davies, "Fears Grow for Afghan Refugees Stuck in 'Kafkaesque' Poland-Belarus Standoff", *The Guardian*, 29 August, 2021, <https://www.theguardian.com/world/2021/aug/29/fears-grow-for-afghan-refugees-stuck-in-kafkaesque-poland-belarus-standoff>

¹⁵ UNHCR "Refugees Daily", 5 September, 2021, <https://www.unhcr.org/cgi-bin/texis/vtx/refdaily?pass=52fc6fbd5&id=6135adeb3>

¹⁶ UNHCR Poland, 24 August, 2021, <https://www.unhcr.org/pl/13303-unhcr-apeluje-o-zakonczenie-impasu-na-granicy-polsko-bialoruskiej.html>

¹⁷ Katy Fallon, "Greece Will Not be 'Gateway' to Europe for Afghans Fleeing Taliban, say Officials", *The Guardian*, 26 August, 2021, <https://www.theguardian.com/global-development/2021/aug/26/greece-will-not-be-gateway-to-europe-for-afghans-fleeing-taliban-say-officials>

¹⁸ DW, "Afghan Refugees in Greece Still Stuck in Limbo", 28 August, 2021, <https://www.dw.com/en/afghan-refugees-in-greece-still-stuck-in-limbo/a-59000284>

¹⁹ Katy Fallon, "Greece Will Not be 'Bateway' to Europe for Afghans Fleeing Taliban, say Officials", 26 August, 2021, *The Guardian*, <https://www.theguardian.com/global-development/2021/aug/26/greece-will-not-be-gateway-to-europe-for-afghans-fleeing-taliban-say-officials>

rights NGOs as well as the European Council of Refugees and Exiles (ECRE) and the International Rescue Committee, have all stated that there is “no possible legal argument” for declaring Turkey a safe country²⁰ and the decision by Greece was “an abusive and dangerous misapplication of the safe third country concept provided under EU law.”²¹ In a positive development, however, on 25 August the Greek Appeals Committee ruled that a vulnerable Afghan family could not be returned to Turkey as it was not considered a “safe third country”.²²

Bulgaria

Following this trend, Bulgaria also sent 400 soldiers to its border with Greece and Turkey and has stopped 14,000 migrants from entering its territory since the beginning of 2021. On August 26, Bulgaria announced that it would send additional troops to its borders to bolster migration controls.²³ The Bulgarian border control forces announced that 500 people were prevented from entering Bulgaria from Turkey and that it regularly stopped 100 to 200 people a day – most of them Afghan. Afghan asylum seekers face a 99 percent rejection rate in Bulgaria, despite making up the bulk of asylum claims and the deteriorating security situation inside Afghanistan.²⁴

Afghans in detention: The UK and Australia

Observers have expressed increasing alarm about the status of Afghans held in immigration detention awaiting deportation after their asylum claims have been rejected, including in particular in the United Kingdom and Australia.

Data released at the end of August showed that the UK had refused 400 Afghan asylum cases in the previous year and returned 13 Afghans back to Afghanistan (five of them since the start of 2021). A total of 497 Afghans were placed in immigration detention during this period, including 130 since April 2021, after the Taliban had begun its advance.²⁵ Although the UK government announced that it would halt deportations to Afghanistan and removed guidance from the Home Office website saying that failed Afghan asylum-seekers could be safely deported and there was no “real risk of harm” to the general public in Afghanistan, concerns remained about the fate of those Afghans still being detained in a state of limbo because their asylum

²⁰ European Council on Refugees and Exiles, “Joint Statement on Current Priorities for an EU Response to the Situation in Afghanistan”, 25 August, 2021, <https://ecre.org/joint-statement-current-priorities-for-an-eu-response-to-the-situation-in-afghanistan/>

²¹ Katy Fallon, “Greece Will Not be ‘Gateway’ to Europe for Afghans Fleeing Taliban, say Officials”, *the Guardian*, 26 August, 2021, <https://www.theguardian.com/global-development/2021/aug/26/greece-will-not-be-gateway-to-europe-for-afghans-fleeing-taliban-say-officials>

²² ΚΟΙΝΩΝΙΑ Προσφυγικό: Ανατρεπτική απόφαση για Αφγανούς
<https://www.kathimerini.gr/society/561485947/prosfygiko-anatreptiki-apofasi-gia-afganouys/>

²³ Radio Free Europe Radio Liberty, “Bulgaria Sends Troops to Border as EU Braces for Afghan Migrant Flows”, 27 August, 2021, https://www.rferl.org/a/bulgaria-border-migrants-afghanistan-/31430530.html?mc_cid=14fd97bbdc&mc_eid=bd1d097b48

²⁴ Border Monitoring Bulgaria, “Bulgaria Disregarding the Principle of Non-Refoulement and the (non-existing) Right for Asylum”, 2 September 2021, <https://bulgaria.bordermonitoring.eu/2021/09/02/bulgaria-disregarding-the-principle-of-non-refoulement-and-the-non-existing-right-of-applying-for-asylum/>

²⁵ May Bulman, “UN Returned 13 Afghans in Past Year and Refused Asylum to 400, New Official Figures Show”, *The Independent*, 26 August, 2021, <https://www.independent.co.uk/news/uk/home-news/afghanistan-refugees-uk-deport-asylum-seekers-b1909047.html>

claims had previously been rejected.²⁶ Refugee advocates and lawyers in the UK have argued that given the fundamental change in circumstances in Afghanistan, all Afghans in the UK should be granted full refugee protection, including expedited rights to family reunification; those forcibly returned in the past year should be brought back to the UK; and those in immigration detention pending deportation should be immediately released.²⁷

Similarly, while welcoming Australia's announcement to cease deportations to Afghanistan, the Australian Human Rights Commission called on the Australian government to provide permanent protection to Afghans on temporary protection visas and to those awaiting decision on asylum cases, and to consider releasing the 55 Afghans being held in closed immigration detention centres in the country.²⁸

UNHCR: Non-returns advisory

On 17 August, UNHCR issued an advisory to all Member States in light of the deteriorating security and humanitarian situation in Afghanistan, calling for a ban on all forced returns of Afghans to the country, including Afghan asylum-seekers whose claims had been rejected, but falling short on calling for the immediate release of Afghans in pre-deportation immigration detention.²⁹ While several countries have followed UNHCR's advice in calling for a moratorium on returns, six EU Member States urged the European Commission to continue to deport rejected asylum seekers back to Afghanistan, including Germany and Belgium, stating that "stopping returns sends the wrong signal and is likely to motivate even more Afghan citizens to leave their home for the EU."³⁰

Resettlement

Some countries have announced resettlement quotas for Afghan refugees. For example, Canada and the UK announced that they would resettle 20,000 Afghans, although the UK said they would only take 5,000 of these this year, and Australia has announced that it will allocate places to 3,000 Afghans in its resettlement programme.

²⁶Lizzie Dearden, "Home Office Deletes Asylum Guidance for Afghanistan Claiming 'No Real Risk of Harm' to General Population", *The Independent*, 16 August, 2021, <https://www.independent.co.uk/news/uk/home-news/afghanistan-home-office-asylum-taliban-b1903482.html>

²⁷ May Bulman, "UN Returned 13 Afghans in Past Year and Refused Asylum to 400, New Official Figures Show", *The Independent*, 26 August, 2021, <https://www.independent.co.uk/news/uk/home-news/afghanistan-refugees-uk-deport-asylum-seekers-b1909047.html>; *Sky News*, "Afghanistan: UK Should Grant Afghans in Country Leave to Remain and Bring Back Those Forced to Depart, Campaign Groups Says", 17 August, 2021, <https://news.sky.com/story/afghanistan-uk-should-grant-afghans-in-country-leave-to-remain-and-bring-back-all-those-forced-to-depart-campaign-group-says-12383867> and *The Law Society Gazette*, "Home Office Urged to Concede Afghan Tribunal Appeals", 25 August, 2021, <https://www.lawgazette.co.uk/news/home-office-urged-to-concede-afghan-tribunal-appeals/5109599.article>

²⁸Australian Human Rights Commission, "Commission Statement on Australia's Response to Afghanistan Crisis", 27 August, 2021 <https://humanrights.gov.au/about/news/commission-statement-australias-response-afghanistan-crisis>

²⁹UNHCR, 17 August, 2021, <https://www.unhcr.org/news/briefing/2021/8/611b62584/unhcr-issues-non-return-advisory-afghanistan.html>

³⁰ May Bulman, "UN Returned 13 Afghans in Past Year and Refused Asylum to 400, New Official Figures Show", *The Independent*, 26 August, 2021, <https://www.independent.co.uk/news/uk/home-news/afghanistan-refugees-uk-deport-asylum-seekers-b1909047.html>

The US has said that it expects to resettle 50,000 of the Afghan evacuees, including those taken initially to European countries.³¹ In an unusual development, Uganda agreed to temporarily host 2,000 Afghan refugees while they awaited relocation to the United States.³²

Many EU governments, including notably Germany, have advised against setting any fixed numbers for resettlement, claiming it could act as a pull-factor for further arrivals. After Luxembourg's Foreign Ministry suggested that the EU follow the UK's examples and set a target of 40,000 to 50,000 resettlement places for Afghan refugees, both Germany and Austria responded harshly, with Austria's foreign minister proclaiming that its country would not take in any more Afghan refugees.³³

Europe's lesson from the past: Keep refugees in their regions

Throughout Europe attitudes towards migrants and refugees have hardened since the "migrant crisis" of 2015, when 1.3 million migrants and refugees, most of them fleeing the civil war in Syria, sought asylum in European countries. Of these, 70 percent have been hosted by two countries—Germany (59 percent) and Sweden (11 percent).³⁴ Fearing a similar exodus from Afghanistan, European countries have been clamouring to stress that the "mistakes of the past" should not be repeated.

A Council of Europe statement issued on 31 August, following an emergency meeting of Home Affairs Ministers to discuss the crisis in Afghanistan, explicitly stated that EU Member States must "act jointly to prevent the recurrence of uncontrolled large-scale illegal migration movements faced in the past" and proposed that they worked together to "prevent illegal migration from the region, reinforce border management capacity and prevent smuggling of migrants and trafficking in human beings." Ministers proposed that the EU should "strengthen its support to third countries, in particular the neighbouring and transit countries" to ensure that "those in need receive adequate protection primarily in the region."³⁵

In an overt example of the externalization of its asylum responsibilities, the EU is reported to be preparing to pay Pakistan, Iran, Uzbekistan and Tajikistan up to 600 million Euros to keep Afghan refugees in the region and prevent them traveling on to Europe.³⁶ The UK has announced that it will provide 30 million pounds (41 million

³¹ CBS News "Over 50,000 Afghan Evacuees Expected to Resettle in the US, Says DHS Secretary Alejandro Mayorkas", 3 September, 2021 <https://www.cbsnews.com/news/50000-afghan-evacuees-expected-resettle-us/>

³² Carlos Mureithi, "Uganda Will Host Thousands of Afghan Refugees", 17 August, 2021, *Quartz Africa*, <https://qz.com/africa/2048615/uganda-will-host-hundreds-of-afghan-refugees/>

³³ Daniel Boffey, "Germany warns EU against setting target of Afghan refugees", *The Guardian*, 31 August 2021, <https://www.theguardian.com/world/2021/aug/31/germany-warns-eu-against-setting-target-of-afghan-refugees>

³⁴ Daniel Boffey, "Germany warns EU against setting target of Afghan refugees", *The Guardian*, 31 August 2021, <https://www.theguardian.com/world/2021/aug/31/germany-warns-eu-against-setting-target-of-afghan-refugees>

³⁵ European Council of the European Union, "Statement on the Situation in Afghanistan", 31 August, 2021 <https://www.consilium.europa.eu/en/press/press-releases/2021/08/31/statement-on-the-situation-in-afghanistan/>

³⁶ Patrick Wintour, "Afghanistan's neighbours offered millions in aid to harbour refugees", *The Guardian*, 31 August, 2021 https://www.theguardian.com/world/2021/aug/31/afghanistans-neighbours-offered-millions-in-aid-to-harbour-refugees?CMP=Share_iOSApp_Other and Fakhri Vakilov, "EU May Pay Uzbekistan to Prevent Influx of Migrants from Afghanistan", *Trend News Agency*, 1 September, 2021 <https://en.trend.az/casia/uzbekistan/3477329.html>

USD) to neighbouring countries that are hosting Afghan refugees.³⁷ As the Home Affairs Ministers of Austria, Denmark and the Czech Republic said at the end of the EU emergency meeting, “The most important thing now is to send the right signal to the region: stay there and we will support the region to help people.”³⁸

Respect Human Rights: Council of Europe Commissioner for Human Rights

Proposals to block refugees have been vociferously opposed by the Council of Europe’s Commissioner for Human Rights, Dunja Mijatović. In a statement prior to the Council of Europe Ministerial meeting, she urged Member States to “unequivocally commit to handling the arrival of persons fleeing the horrendous situation in Afghanistan in accordance with their human rights obligations.” She regretted that many Member States had “announced or taken steps towards border closures, the building of walls and fences, restrictions on asylum applications or pushbacks.”

Mijatović added: “These and other measures ostensibly aimed at ‘preventing irregular migration’ may result in people being prevented from seeking asylum on the territories of our member states, unlawfully turned back at borders or left without access to protection anywhere along their routes while seeking safety.” She urged Council of Europe member states “cannot and should not expect to be insulated from the consequences of events in Afghanistan, especially in the form of arrivals of Afghans seeking protection at their borders and on their territories.” Members should not seize the potential arrival of Afghans “as an opportunity to further erode the system of protection in Europe, including key safeguards in the European Convention on Human Rights and the Refugee Convention.”³⁹

Recommendations

The UN High Commissioner for Refugees, the UN High Commissioner for Human Rights, the European Commissioner for Human Rights, and other civil society organizations have all called on governments to uphold their obligations under international refugee and human rights law to provide safety and protection to those fleeing human rights violations and insecurity in Afghanistan.⁴⁰ These recommendations include:

³⁷ Michael Holden, “UK will pay to shelter refugees in countries neighbouring Afghanistan”, *Reuters*, 3 September 2021, <https://www.reuters.com/world/uk/uk-will-pay-shelter-refugees-countries-neighbouring-afghanistan-2021-09-02/>

³⁸ Twitter, Naomi O’Leary, 31 August, 2021, <https://twitter.com/NaomiOhReally/status/1432742022763384835>

³⁹ Council of Europe, Commissioner for Human Rights Statement, “In their Response to Afghans Seeking Aafety, Council of Europe Members Should Not Undermine Human Rights Protections”, 30 August, 2021, <https://www.coe.int/en/web/commissioner/-/in-their-response-to-afghans-seeking-safety-council-of-europe-member-states-should-not-undermine-human-rights-protections>

⁴⁰ Council of Europe, Commissioner for Human Rights Statement, “In their Response to Afghans Seeking Aafety, Council of Europe Members Should Not Undermine Human Rights Protections”, 30 August, 2021, <https://www.coe.int/en/web/commissioner/-/in-their-response-to-afghans-seeking-safety-council-of-europe-member-states-should-not-undermine-human-rights-protections>; European Council on Refugees and Exiles, “Joint Statement on Current Priorities for an EU Response to the Situation in Afghanistan”, 25 August, 2021, <https://ecre.org/joint-statement-current-priorities-for-an-eu-response-to-the-situation-in-afghanistan/>; UNHCR “News Comment attributable to UN High Commissioner for Refugees, Filippo Grandi, <https://www.unhcr.org/news/press/2021/8/612c87444/airlift-news-comment-attributable-un-high>

- Keeping borders open and refraining from push-backs and expulsions that could amount to *refoulement* of those fleeing danger and persecution in Afghanistan.
- Not penalizing Afghans who resort to irregular movement to seek safety or denying them access to asylum procedures because of their manner of arrival, or for traveling through other countries *en-route* to their destination.
- Providing financial and other support to neighbouring countries to assist refugees.
- Ensuring that cooperation activities to support migration control in third countries do not mean that Afghans seeking safety are denied protection, left in limbo along migration routes, or subjected to human rights violations.
- Providing protection to Afghans already in European countries, including: immediately ceasing all forced returns and removing from detention all Afghans pending deportation; re-considering previously rejected Afghan asylum claims and speedily assessing pending claims; providing basic services to ensure that people are not left in uncertainty or limbo while returns remain impossible.
- Exploring all avenues to expand protection to Afghan refugees, including through expanded resettlement and asylum programmes, increased and expedited family reunification, and alternative pathways to protection such as student scholarships, private sponsorship and humanitarian visa programmes.