

# StandUpForAfghans

AN INITIATIVE BY THE REFUGEE PROJECT MAASTRICHT

11<sup>th</sup> of July 2017

Maastricht, The Netherlands

## **Who is the Refugee Project Maastricht?**

The Refugee Project Maastricht is a Non-profit community organisation that is run on a volunteer basis with the support of the University of Maastricht Student Chaplaincy 'The Innbetween'. On our two years of action, our organisation has been in close contact with the refugee community residing in the AZCs of the Maastricht region that is comprised of approximately over 600 people, as we organise numerous activities and platforms via which we aim to create relationships and provide help with practical day-to-day matters. We have gained the support of the University of Maastricht, the Gemeente Maastricht, the Student Service Centre and various humanitarian-oriented organisations in Maastricht and work daily to create a close community within this city.

Even though the Refugee Project Maastricht is a de-facto social project and we do not usually proceed with activist movements, we have decided to speak up about the situation that concerns the numerous pending deportations of Afghan refugees in Maastricht and the Netherlands that have received a negative asylum status. We have created the initiative StandUpForAfghans in order to raise awareness on the matter and proceed to its practical resolution.

This document is meant to compliment the petition letter that has been provided with our petition and that has been disseminated through multiple media platforms. All the supporting evidence, statistics and data that provide a base for our argument have been organised in this document.

Sincerely,

Refugee Project Maastricht

## The Concept of ‘Safe Country of Origin’

The concept of ‘Safe Country of Origin’ has been a point of controversy in the debate of the asylum policy of the European Union (EU) since its introduction as part of the EU asylum acquis. In spite of the decision of the 1951 UN Refugee Convention in Geneva that calls for states to treat refugees without discrimination on the basis of their country of origin,<sup>1</sup> EU member-states have been allowed to categorise asylum seekers on account of their country of origin and the reason behind their seek for asylum, with national of certain countries being favoured more than others.<sup>2</sup> This categorisation has severe political and legal implications as it undermines the 1951 Refugee Convention.

According to the European Commission, 15 out of 28 EU member-state do apply this concept in the asylum procedures of the asylum seekers hosted, while 7 other member-states has made provision in their national law.<sup>3</sup> The European Commission has proposed a regulation establishing a common list of “safe countries of origin” for all EU member-states as a common threshold, whilst individual member-states have the freedom to introduce and maintain national lists with additional countries.<sup>4</sup> The establishment of these aforementioned national lists entails a delicate assessment of the security, legal and political situation that prevails in each country of origin in questions and may be contested before domestic courts. The presumptions that constitute a country as a “safe country of origin” remain questionable. AIDA (2015) warns that the practical use of this concept when examining asylum cases, presents substantial conceptual and procedural risks as their reference to systematic and general lack of persecution or serious harm seems to be in contradiction with the purpose of the 1951 Refugee Convention that calls for the protection of all those who may face individual risks in their home countries (p.10).<sup>5</sup>

1 United Nations (UN) Convention relating to the Status of Refugees, Geneva, 28 July 1951, UN Treaty Series vol.189, 137, Article 3

2 Asylum Information Database (AIDA). 2015. *Safe countries of origin”: A safe concept?*. Introduction. Retrieved from: [https://www.ecre.org/wp-content/uploads/2016/06/AIDA-Third-Legal-Briefing\\_Safe-Country-of-Origin.pdf](https://www.ecre.org/wp-content/uploads/2016/06/AIDA-Third-Legal-Briefing_Safe-Country-of-Origin.pdf)

3 European Commission. 2015. *Information Note on the follow-up to the European Council Conclusions of 26 June 2015 on “safe countries of origin)*. Retrieved from: <http://www.statewatch.org/news/2015/jul/eu-com-safe-countries.pdf>

4 European Commission. 2015. *Proposal for a Regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU and amending Directive 2013/32/EU, COM(2015) 452, Article 4(2) and Recital 4.*

5 Full AIDA report available at: [https://www.ecre.org/wp-content/uploads/2016/06/AIDA-Third-Legal-Briefing\\_Safe-Country-of-Origin.pdf](https://www.ecre.org/wp-content/uploads/2016/06/AIDA-Third-Legal-Briefing_Safe-Country-of-Origin.pdf)

Cases of repatriation are examined on a case by case basis. In general, application from asylum seekers that originate from the designated “safe countries of origin” are considered manifestly unfounded. However, exceptions are made with regard to certain groups such as LGBTI peoples or unaccompanied minors.

### **What is a Safe Country of Origin? Criteria**

EU member-states possess the power to designate third countries as “safe countries of origin” in national lists, while adhering to the criteria provided by the EU for such designations. Annex I of the recast Asylum Procedure Directive holds that the criteria that need to be met for a third country to be appointed as a “safe country of origin” are as follows:

*“A country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in [the recast Qualification Directive], no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.”<sup>6</sup> (p.3)*

In short, three basic criteria need to be met in order for each third country in question to be considered as a “safe country of origin” with a prerequisite situation of a stable legal, and political situation within a functioning democratic system. They are as follows:

- (1) No standing persecution for the individual in question<sup>7</sup>
- (2) No torture, inhuman or degrading treatment or punishment
- (3) No threat of indiscriminate violence in situations of international or internal armed conflict

6 Asylum Information Database (AIDA). 2015. *Safe countries of origin”: A safe concept?*. Introduction. Retrieved from: [https://www.ecre.org/wp-content/uploads/2016/06/AIDA-Third-Legal-Briefing\\_Safe-Country-of-Origin.pdf](https://www.ecre.org/wp-content/uploads/2016/06/AIDA-Third-Legal-Briefing_Safe-Country-of-Origin.pdf)

7 European Parliament. 2016. *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on standard for the qualification of third-country national or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, COM(2016) 466, 2016/0223 (COD)*. Article 10. Retrieved from: <https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-466-EN-F1-1.PDF>

## The case of the Netherlands

The kingdom of the Netherlands can find an asylum request as manifestly unfounded in the case that the asylum seeker in questions comes from a third-country that is designated as a “safe country of origin”. The cases are individually examined by the Immigration and Naturalisation Service (Immigratie- en Naturalisatiedienst; IND).

*“The statements of the asylum seeker form the basis for the assessment whether a country that has been designated as a safe country of origin is safe for the individual asylum seeker. The IND considers whether the particular country in practice complies with the obligations under the relevant human rights treaties. The IND cannot maintain the presumption of safe country of origin if the asylum seeker can demonstrate that his country of origin cannot be regarded as a safe country for him. In that case the IND assesses whether the asylum seeker is eligible for international protection (C2/7.2 Aliens Act Implementation Guidelines).”*<sup>8</sup>(p.46)

The state of the Netherlands can provide with one asylum status. However, there are two different grounds on which this asylum status may be granted (besides family reunification). These two grounds are:

- (1) “Refugee status (A-status); qualification as a refugee under Article 1A of the Geneva Convention, if there is a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion.<sup>13</sup> (Article 29, first paragraph, under a, Aliens Act)
- (2) Subsidiary protection (B-status) can be granted on three grounds; (1) death penalty or execution; (2) according to Article 3 of the European Convention on Human Rights and (3) Article 15(c) of the Qualification Directive. Also trauma suffered in the country of origin, as a result of which it is not reasonable to require the asylum seeker to t=return to his country of origin, falls within the scope of Article 29, firsts paragraph, under b, of the Aliens Act.<sup>14”</sup><sup>9</sup> (p.15)

8 Asylum Information Database (AIDA). 2016. *Country Report: The Netherlands*. Retrieved from: [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_nl\\_update.v\\_final.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_nl_update.v_final.pdf)

9 Asylum Information Database (AIDA). 2016. *Country Report: The Netherlands*. Retrieved from: [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_nl\\_update.v\\_final.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_nl_update.v_final.pdf)

Refugee Status (A-status) is provided with the following criteria as stated by the IND:

- (1) *“In your country of origin, you have real reasons to fear persecution because of your race, religion, nationality, political convictions or because you belong to a particular social group.*
- (2) *You have real reasons to fear the death penalty or execution, torture or other inhuman or humiliating treatment in your country of origin.*
- (3) *You have real reasons to fear that you will be a victim of random violence due to an armed conflict in your country of origin.*
- (4) *Your husband/wife, partner, father, mother or minor child has recently received an asylum residence permit in the Netherlands.”*<sup>10</sup> (note: family reunification)

The Netherlands is bound by customary international law (non-refoulement principle as developed by case-law, recalling recent cases such as: ECtHR - Salah Sheekh v The Netherlands; ECtHR - NA v UK; ECtHR - Vilvarajah & Ors v United Kingdom) and the European Convention on Human Rights (Art. 3) which states that “No one shall be subjected to torture or to inhuman or degrading treatment or punishment”. The absolute nature of Art. 3 ECHR is not subject to any exceptions or to derogations (cf. Art. 15 ECHR). Therefore, it must be upheld even "in time of war or other public emergency threatening the life of a nation" (Art. 15 (2) ECHR), and it leaves no scope for limitations by law under any circumstances. Afghan unaccompanied minors and families are at serious risk of ill treatment in case of return - for above mentioned reasons - and therefore need international protection from The Netherlands. This is not only a moral but also a legal obligation of the country.

### **The case of Afghanistan/ Agreement “Joint Way Forward”**

It is crucial to acknowledge the the Republic of Afghanistan has not been deemed as a “safe country of origin” and it does not appear on the list of safe countries provided by the EU or by the State of the Netherlands. However, due to the 2016 agreement “Joint Way Forward” that has been signed by the EU and the Republic of Afghanistan that allows for the EU member-states to make a decision on whether or not they wish to proceed with the

10 Immigratie- en Naturalisatiedienst (IND) official website. Retrieved from: <https://ind.nl/en/asylum/Pages/Asylum-seeker.aspx>

repatriation of a significant number of Afghan asylum seekers that have been denied refugee status A or B within a recent time frame.

In October 2016, the European Union signed a deal to deport rejected Afghan asylum seekers to Afghanistan.<sup>11</sup> This implied, that Afghanistan is considered safe enough for deportation. It defines the cooperation between the EU and the Afghan Government regarding the prevention of irregular migration and the return of irregular migrants.<sup>12</sup>

*“The EU and the Government of Afghanistan intend to cooperate closely in order to organize the dignified, safe and orderly return of Afghan nationals to Afghanistan who do not fulfil the conditions to stay in the EU”.* (p.2)

*“Afghan nationals who are found to have no legal basis to remain in an EU Member State, whose protection needs or compelling humanitarian reasons, if any, have been considered in accordance with the applicable legislation and who have received an enforceable decision to leave that Member State, can choose to return voluntarily. Afghan nationals who choose not to comply with such a decision on a voluntary basis will be returned to Afghanistan, once administrative and judicial procedures with suspensive effects have been exhausted.”* (p.2)

### **Deportation: What does it mean?**

A deportation is an involuntary form of return of a person residing in a country that is (s)he is not an official national to his/hers original country of origin. As in, migrants are returned “to their country of origin against their will”.<sup>13</sup> IOM<sup>14</sup> defines deportation as

11 The Guardian. (2016). EU signs deal to deport unlimited numbers of Afghan asylum seekers. Retrieved from: <https://www.theguardian.com/global-development/2016/oct/03/eu-european-union-signs-deal-deport-unlimited-numbers-afghan-asylum-seekers-afghanistan>

12 (n.d.). Joint way forward on migration issues between Afghanistan and the EU. Retrieved from: [https://eeas.europa.eu/sites/eeas/files/eu\\_afghanistan\\_joint\\_way\\_forward\\_on\\_migration\\_issues.pdf](https://eeas.europa.eu/sites/eeas/files/eu_afghanistan_joint_way_forward_on_migration_issues.pdf)

13 Gibney, M. J. & Hansen, R. (2003). *Deportation and the liberal state: the forcible return of asylum seekers and unlawful migrants in Canada, Germany and the United Kingdom*. Retrieved from <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=3e59de764&query=deportation>; pp. 5-6

14 IOM. (2011). *Glossary on Migration. International Migration Law*. Retrieved from <http://www.corteidh.or.cr/sitios/Observaciones/11/Anexo5.pdf>; p. 27

*“the act of a State in the exercise of its sovereignty in removing a non-national from its territory to his or her country of origin or third state after refusal of admission or termination of permission to remain.”*

Deportation is also referred to as, “removals process”, “Rückführung (return), “Abschiebung (pushing off, away)”.<sup>15</sup> Most governments refer to this as “repatriation” (Ramirez et al., 2015; USA.gov, 2016). Existing research on the situation of Afghan deportees shows that the process of deportation adds to the individuals initial reasons for migration “and creates at least three additional reasons that make adjustment, integration, or reintegration difficult, if not impossible”.<sup>16</sup>

### **Afghan Asylum Seekers in the Netherlands/ Migration trends 2016**

“In 2015, 88 300 asylum seekers applying for international protection in the Member States of the European Union (EU) were considered to be unaccompanied minors. While their number always stood between 11 000 and 13 000 in the EU over the period 2008-2013, it almost doubled in 2014 to reach slightly more than 23 000 persons, then nearly quadrupled in 2015.” “Around half (51%) of asylum applicants considered to be unaccompanied minors in the EU in 2015 were Afghans.”<sup>17</sup>

The bureau of Immigration and Naturalisation (Immigratie- en Naturalisatiedienst) has released a report updated up until December 2016. The report documents a total of 1,447 Afghan asylum seeker applications in 2016 in the Netherlands (including first applications, repeated applications, family reunification influx) number which accounts to 5% of the total amount of applications in 2016. The same report documents a total of 195 unaccompanied minors in 2016. Afghan nationals account for 22% of all rejected asylum applications in 2016 with 358 rejected applications.<sup>18</sup>

15 Gibney, M. J. & Hansen, R. (2003). *Deportation and the liberal state: the forcible return of asylum seekers and unlawful migrants in Canada, Germany and the United Kingdom*. Retrieved from <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=3e59de764&query=deportation>;

Ruben, R., van Houte, M., & Davids, T. (2009). *What Determines the Embeddedness of Forced-Return Migrants?: Rethinking the Role of Pre- and Post-Return Assistance*. *International Migration Review*, 908–937.

16 Schuster, L. & Majidi, N. (2013). What happens post-deportation? The experience of deported Afghans.

17 Eurostat. (2016). Asylum applicants considered to be unaccompanied minors. Almost 90 000 unaccompanied minors among asylum seekers registered in the EU in 2015. Slightly more than half are Afghans. Press Release. 87/2016 - 2 May 2016. Retrieved from <http://ec.europa.eu/eurostat/documents/2995521/7244677/3-02052016-AP-EN.pdf/19cfd8d1-330b-4080-8ff3-72ac7b7b67f6>

18 Ministry of Security and Justice. Immigration and Naturalisation Service (IND). 2016. *Asylum Trends. Monthly Report on Asylum Applications in The Netherlands Recent trends*. Retrieved from:

## Unaccompanied Minors in the Netherlands

In this context, an unaccompanied minor is an individual under the age of 18 who arrived to the Netherlands without a parent/an adult responsible for him or her.<sup>19</sup> In the Netherlands, this is also referred to as a “unaccompanied minor foreign national (UMFN)”, without making a distinction whether the minor is an asylum seeker or not.<sup>20</sup> The Dutch Government also uses the term “unaccompanied minor alien” (AMV).<sup>21</sup> To refer more accurately to minors who have applied for asylum the term unaccompanied asylum seeking-minors is in use.

The situation of unaccompanied asylum-seeking minors is different, compared to the one of adults. UAMs are subject to child-specific protection as they are being considered an especially vulnerable group.<sup>22</sup>

Article 22: “Refugee Children” of the United Nations Convention on the Rights of the Child<sup>23</sup> states the following:

1. *“States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable*

[http://www.asylumineurope.org/sites/default/files/resources/asylum\\_trends\\_december\\_2016.pdf](http://www.asylumineurope.org/sites/default/files/resources/asylum_trends_december_2016.pdf)

- 19 COUNCIL DIRECTIVE 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. Article 2 (f). Retrieved from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:212:0012:0023:EN:PDF>
- 20 Immigration and Naturalisation Service. Ministry of Security and Justice. (2015). Unaccompanied Minor Foreign Nationals (UMFN). Retrieved from <https://ind.nl/en/forms/6081.pdf>; Immigration and Naturalisation Service (IND) Staff Directorate for Implementation and Policy (SUB Section Information and Analysis Centre (INDIAC), Dutch National Contact Point for the European Migration Network (EMN) (2010). Unaccompanied minors in the Netherlands Policy on reception, return and integration arrangements for, and numbers of, unaccompanied minors. EMN-study. Retrieved from [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/unaccompanied-minors/19a\\_netherlands\\_national\\_report\\_on\\_unaccompanied\\_minors\\_final\\_version\\_2feb10\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/19a_netherlands_national_report_on_unaccompanied_minors_final_version_2feb10_en.pdf)
- 21 Government of the Netherlands. (2017). Asylum policy. Unaccompanied minor aliens (AMV) Retrieved from <https://www.government.nl/topics/asylum-policy/contents/unaccompanied-minor-foreign-nationals-umfns>
- 22 Standpunt Minderjarige vreemdelingen. Retrieved from <https://www.vluchtelingenwerk.nl/wat-wij-en/standpunten/standpunt-minderjarige-vreemdelingen>; <https://www.vluchtelingenwerk.nl/feiten-cijfers/alleenstaande-minderjarigen>; UNICEF, COUNCIL OF EUROPE. (2014). UNACCOMPANIED AND SEPARATED ASYLUM-SEEKING AND REFUGEE CHILDREN TURNING EIGHTEEN: WHAT TO CELEBRATE?. Retrieved from: [https://infomie.net/IMG/pdf/2014\\_unhcr\\_and\\_council\\_of\\_europe\\_report\\_transition\\_adulthood.pdf](https://infomie.net/IMG/pdf/2014_unhcr_and_council_of_europe_report_transition_adulthood.pdf)
- 23 Children Rights International Network. (2017). Article 22. Refugee Children. Retrieved from: <https://www.crin.org/en/home/rights/convention>



*international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.”*

2. *“For this purpose, States Parties shall provide, as they consider appropriate, cooperation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.”*

Upon his or her arrival to the Netherlands, an UAM receives the necessary medical and other assistance and is assigned a guardian. Minors younger than 15 are placed with foster families by the Foundation Nidos; minors of 15 years and older are placed in reception centres by the Central Agency for the Reception of Asylum Seekers (COA).<sup>24</sup> An UNICEF report also shows that “unaccompanied Afghan asylum-seeking adolescents living in many countries are a high-risk group for post-traumatic stress disorder (PTSD), with many having been exposed to extreme violence, physical and sexual abuse, and rape” (p.87) and “Unaccompanied children experience significantly greater symptoms of PTSD and depression compared to accompanied asylum-seeking children.” (pp. 87-88).<sup>25</sup> This was found in a study by Bronstein & Montgomery (2013).<sup>26</sup>

- 24 COUNCIL DIRECTIVE 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. Article 13 (4), Article 16. Retrieved from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:212:0012:0023:EN:PDF>; Government of the Netherlands. (2017). Asylum policy. Unaccompanied minor aliens (AMV) Retrieved from: <https://www.government.nl/topics/asylum-policy/contents/unaccompanied-minor-foreign-nationals-umfns>
- 25 UNICEF. (2015). Child Notice Afghanistan. Retrieved from [https://www.unicef.nl/media/4340650/unc\\_rapport\\_child\\_notice\\_afghanistan\\_en\\_final\\_web.pdf](https://www.unicef.nl/media/4340650/unc_rapport_child_notice_afghanistan_en_final_web.pdf)
- 26 Bronstein, I., Montgomery, P. (2013). Sleeping Patterns of Afghan Unaccompanied Asylum-Seeking Adolescents: A Large Observational Study. Retrieved from <http://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0056156&type=printable>

UAMs cannot be deported, unless there is written confirmation that a family member, guardian or adequate shelter will receive and host the minor.<sup>27</sup> Yet, as soon as an asylum-seeking minor turns 18, (s)he loses this child-specific protection.

## Security Situation in Afghanistan/ Reports & Media

Since the overthrow of the Taliban government of Afghanistan in 2001 and its replacement by President Hamid Karzai's government, the UN Security Council (UNSC) has established the International Security Assistance Force (ISAF) with the aim to assist the new administration in providing security and stability.<sup>28</sup> After their fall from governmental power, the Taliban proceeded to insurg in order to regain the lost control over Afghanistan.<sup>29</sup> Over the succeeding decade, the ISAF in collaboration with the Afghan troops attempted to suppress the Taliban revolt without even managing to fully defeat them whilst the Karzai administration attempted establish democratic structures within the Islamic Republic of Afghanistan. Besides the continuous efforts of the administration and a significant amount of capitals from donor countries, the infrastructure of Afghanistan did not substantially improve.

Since 2009, the Taliban re-established some unofficial control of parts of the Republic.<sup>30</sup> The armed conflict in Afghanistan between pro- and anti-governmental forces (along with other militant groups; Hezb-e-Islami, Haqqani Network, Al Qaeda, Islamic State) have claimed the lives of 24, 841 civilians and have left 45,347 injured between 2009-2016.<sup>31</sup> As fighting did not halt between the Talibal and the Afghan government forces in 2016, an

27 Bundesverband für unbegleitete minderjährige Flüchtlinge (BumF). (n.d.) FAQ- Häufige Fragen. Retrieved from <http://www.b-umf.de/de/themen/faq>

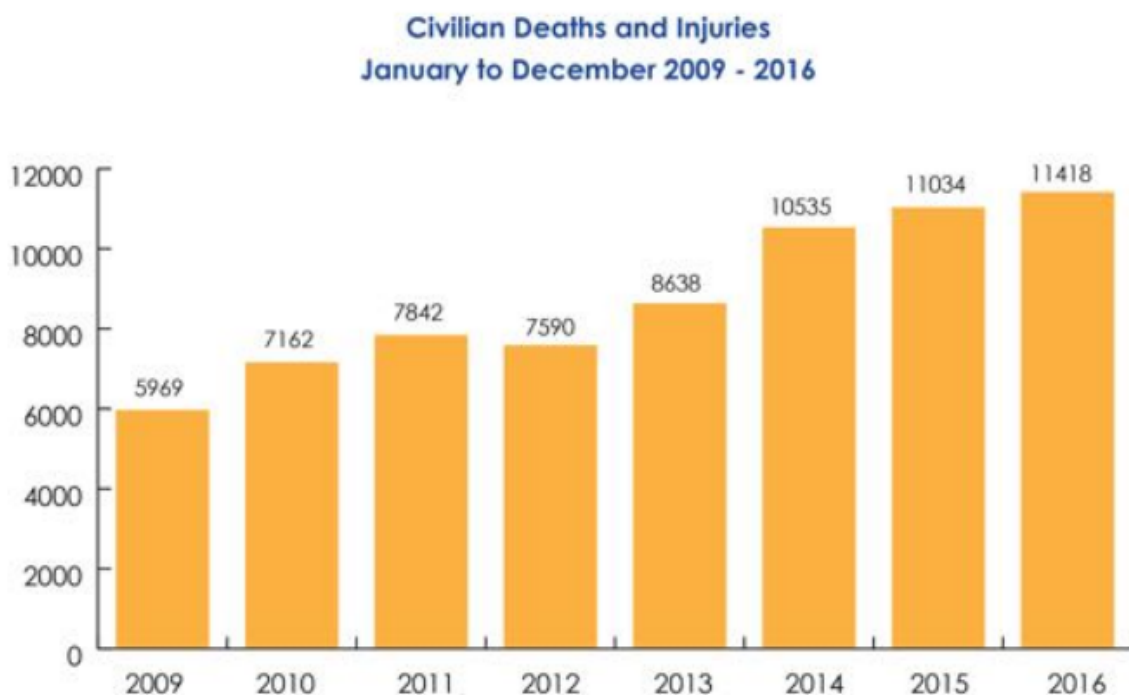
28 United Nations Security Council. 2001. *Resolution 1386 (2001) Adopted by the Security Council at its 4443rd meeting, on 20 December 2001*. Retrieved from: [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/1386\(2001\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1386(2001))

29 The Telegraph. 2014. *Wikileaks: Pakistan accused of helping Taliban with Afghanistan attacks*. Retrieved from: <https://web.archive.org/web/20140129073942/http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/7910687/Wikileaks-Pakistan-accused-of-helping-Taliban-in-Afghanistan-attacks.html>

30 McClatchy Washington Bureau. 2015. *Pentagon can't account for \$1 billion in Afghan reconstruction aid*. Retrieved from: <http://www.mcclatchydc.com/news/nation-world/national-security/article24783502.html>

31 United Nations Assistance Mission Afghanistan (UNAMA). 2016. *Afghanistan. Protection of Civilians in Armed Conflict ANNUAL REPORT 2016 KABUL, AFGHANISTAN FEBRUARY 2017*. Retrieved from: [https://unama.unmissions.org/sites/default/files/protection\\_of\\_civilians\\_in\\_armed\\_conflict\\_annual\\_report\\_2016\\_final280317.pdf](https://unama.unmissions.org/sites/default/files/protection_of_civilians_in_armed_conflict_annual_report_2016_final280317.pdf)

estimated thousands of civilians were killed or injured by insurgent suicide and IED attacks. The Taliban claimed responsibility for the majority of the attacks; however, other militant groups that affiliated themselves with the Islamic State (IS/ISIS) claimed responsibility for the particularly deadly attacks in the capital of Kabul. The Afghan government did not cease to expand the use of illegal militias, some of which have been responsible for the killings and open assaults against civilians. The Afghan Security Forces (ANSF) were responsible for several civilian casualties from indiscriminate aerial and mortar attacks. The Taliban and ANSF use of schools for military purposes increased while “such abuses, along with insecurity throughout the country, deprived many children, particularly girls, of access to education.”<sup>32</sup>



*Illustration 1: Estimation provided by UNAMA 2016 p.4*

*“In 2015, ground engagements between Anti-Government Elements and Pro-Government Forces, particularly in areas populated or frequented by civilians, remained the leading*

32 Human Rights Watch (HRW). 2017. *World Report 2017: Afghanistan, Events of 2016*. Retrieved from: <https://www.hrw.org/world-report/2017/country-chapters/afghanistan>

*cause of civilian casualties, followed by IEDs, suicide and complex attacks and targeted and deliberate killings.”<sup>33</sup>(p.3)*

*“In 2016, UNAMA documented record numbers of civilian casualties from ground engagements, suicide and complex attacks and explosive remnants of war, as well as the highest number of civilian casualties caused by aerial operations since 2009. Increases in civilian deaths and injuries from these tactics drove the overall three per cent rise in civilian casualties, while civilian casualties from improvised explosive devices (IEDs) and targeted and deliberate killings decreased.” (p.3)*

*“Between 1 January and 31 December [2016], UNAMA documented 11,418 civilian casualties (3,498 deaths and 7,920 injured); marking a two per cent decrease in civilian deaths and six per cent increase in civilians injured. These figures amount to a three percent increase in total civilian casualties compared to 2015.”<sup>34</sup> (p.3)*

While the number of civilian deaths decreased by 2-3% between 2015-2016, the number of civilian injuries steadily increased (i.e. 6% in 2015-2016). In the first quarter of 2017, regular violent attacks have left a documented 2,181 casualties (715 deaths, 1,466 injuries; UNAMA 2017) 34% of which concerned children. Civilian casualties have increased for women and children while attacks by anti-governmental forces intentionally target civilians fact that violates International Humanitarian Law. Tadamichi Yamamoto, the Secretary-General’s Special Representative for Afghanistan warns: “With the so-called fighting season imminent, I appeal to all parties to take every measure possible to prevent unnecessary and unacceptable harm to Afghan civilians.”<sup>35</sup> UNAMA urges all parties somehow affiliated with the conflict to take immediate measures in order to protect civilians from harm as civilian casualties continue to be high.

33 United Nations Assistance Mission Afghanistan (UNAMA). 2015. *Afghanistan. Annual Report on Protection of Civilians in Armed Conflict*. Retrieved from:

[https://unama.unmissions.org/sites/default/files/poc\\_annual\\_report\\_2015\\_final\\_14\\_feb\\_2016.pdf](https://unama.unmissions.org/sites/default/files/poc_annual_report_2015_final_14_feb_2016.pdf)

34 In 2015, UNAMA documented 11,034 total civilian casualties (3,565 deaths and 7,469 injured). See UNAMA. 2015. *Annual Report on Protection of Civilians in Armed Conflict*, p. 1. Retrieved from

[https://unama.unmissions.org/sites/default/files/poc\\_annual\\_report\\_2015\\_final\\_14\\_feb\\_2016.pdf](https://unama.unmissions.org/sites/default/files/poc_annual_report_2015_final_14_feb_2016.pdf)

35 United Nations Assistance Mission Afghanistan (UNAMA). 2017. *UNAMA FIRST QUARTER 2017 CIVILIAN CASUALTY DATA*. Retrieved from:

[https://unama.unmissions.org/sites/default/files/27\\_april\\_2017\\_-\\_unama\\_first\\_quarter\\_2017\\_civilian\\_casualty\\_data\\_english.pdf](https://unama.unmissions.org/sites/default/files/27_april_2017_-_unama_first_quarter_2017_civilian_casualty_data_english.pdf)

*“Geographically, Kabul province had the highest number of civilian casualties due to suicide and complex attacks in Kabul city, followed by Helmand, Kandahar, Nangarhar and Uruzgan provinces.*

*Anti-Government Elements caused 62 per cent of civilian casualties – 1,353 civilian casualties (447 dead and 906 injured), reflecting a five per cent increase compared to the same period in 2016.*

*Anti-Government Elements continued to target civilians intentionally and deploy indiscriminate tactics in areas with a civilian presence – in clear violation of their obligations under international humanitarian law. UNAMA documented attacks targeting civilian government employees, tribal elders, Muslim Shi’a mosques, humanitarian deminers, NGO workers and civilians perceived to be government supporters.*

*Improvised explosive devices (all non-suicide switch types) remained the second leading cause of civilian casualties – responsible for 409 civilian casualties (126 dead and 283 injured) – a decrease of one per cent compared to the same period in 2016 and comprising 19 per cent of all civilian casualties.*

*Of concern, UNAMA recorded a 12 per cent increase in civilian casualties caused by pressure-plate improvised explosive devices – 218 civilian casualties (86 dead and 132 injured). By virtue of their indiscriminate nature, pressure-plate improvised devices are illegal and pose substantial risks to civilians due to the inability of users to direct the effects of the device at a particular target once activated.*

*Suicide and complex attacks continued to cause record levels of civilian harm. The Mission recorded a five percent increase in civilian casualties from these tactics – 374 civilian casualties (108 dead and 266 injured) – accounting for 17 per cent of all civilian casualties.*

*UNAMA attributed 21 per cent of civilian casualties to Pro-Government Forces – 451 civilian casualties (165 dead and 286 injured) – a decrease of two per cent compared to the same period in 2016.*

*While most civilian casualties caused by Pro-Government Forces occurred indirectly during ground fighting with Anti-Government Elements, UNAMA recorded a substantial increase in civilian casualties from aerial operations.*

*The mission documented 148 civilian casualties (72 dead and 76 injured) from aerial operations, a disturbing increase compared to 29 civilian casualties (eight dead and 21 injured) in the first quarter of 2016.*

*Nine per cent of civilian casualties arose from ground fighting between Anti-Government Elements and Pro-Government Forces where the responsible party could not be determined. Unattributed unexploded ordnance caused the majority of the remaining civilian casualties.*

*Civilian casualties from unexploded ordnance increased by one per cent to 203 civilian casualties (50 deaths and 153 injured), of which children comprised 81 per cent.*

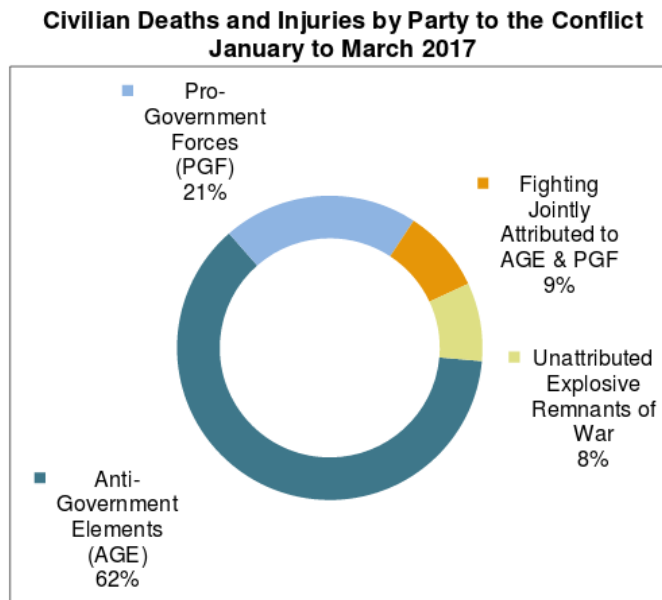
*UNAMA is extremely concerned by increases in both child and women civilian casualties, particularly deaths. The mission recorded a 24 per cent increase in women civilian casualties, documenting 273 women casualties (88 dead and 185 injured) due to increases in women killed or injured by aerial operations and suicide and complex attacks. Conflict-related deaths of women increased by 54 per cent while the number of injured women increased by 13 per cent.*

*Also in the first quarter, the mission recorded 735 child casualties (210 dead and 525 injured), a three per cent increase compared to the same period in 2016. Child deaths increased by 17 per cent while child injuries decreased by one per cent. Children comprised 34 per cent of all civilian casualties during the first quarter.*

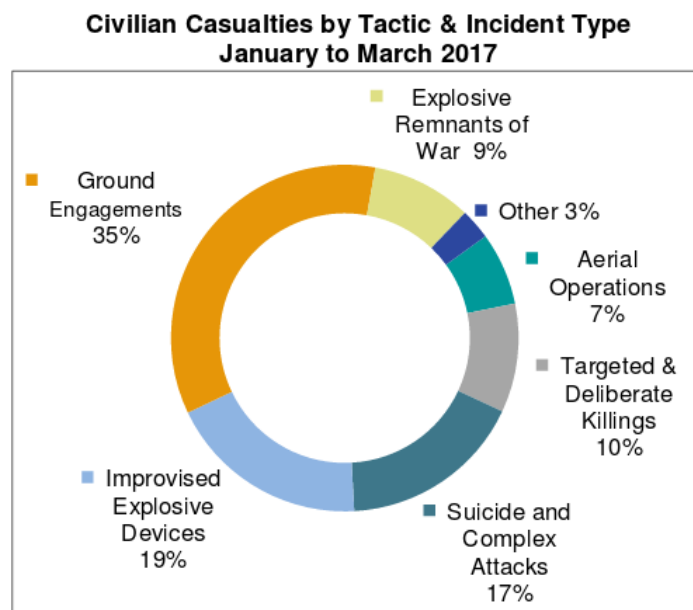
*Increases in child casualties from aerial operations and improvised explosive devices, in conjunction with high numbers of children killed or injured by unexploded ordnance, drove the rise in child casualties.*

*Between 1 January and 31 March, the mission documented 17 conflict-related incidents targeting health-care or health-care workers, including the Daesh/Islamic State Khorasan Province-claimed attack on Kabul's Sardar Mohammad Daud Khan Hospital that resulted in the deaths of 26 civilians and injury of 30 others in addition to numerous military medical staff and injured combatants.<sup>36</sup> (p.1-2)*

36 United National Assistance Mission Afghanistan (UNAMA). 2017. 2017. *UNAMA FIRST QUARTER 2017 CIVILIAN CASUALTY DATA*. Retrieved from: [https://unama.unmissions.org/sites/default/files/27\\_april\\_2017\\_-\\_unama\\_first\\_quarter\\_2017\\_civilian\\_casualty\\_data\\_english.pdf](https://unama.unmissions.org/sites/default/files/27_april_2017_-_unama_first_quarter_2017_civilian_casualty_data_english.pdf)



*Illustration 2: Report retrieved from UNAMA 2017*



*Illustration 3: Report retrieved from UNAMA 2017*

It is important to note that these casualties do not include the recent attacks in Kabul or other regions of Afghanistan that have left a significant number of victims. The European Country of Origin Information Network (ECOI) provides with collected reports from reliable sources that present civilian casualty reports since April 2017.

As reported, on April 11 2017 a blast occurred near the Defense Ministry compound and other government institutions in Kabul, Afghanistan. Estimates show that at least 5 people were killed and several others were injured in the suicide bombing. The blast occurred at the time when a significant amount of governmental staff was leaving their offices; a Defense Ministry spokesperson stated that the casualties included civilians and members of the Afghan security forces. The Islamic States (IS) has claimed responsibility for the attack.<sup>37</sup>

BBC reports on the 3<sup>rd</sup> of May 2017 a suicide attack on a convoy of the NATO mission in Afghanistan that took place next to the US embassy in Kabul during the morning hours has left a documented 8 dead (all civilians) and an estimated 25 persons injured. The Islamic State (IS) has claimed responsibility for the attack.<sup>38</sup> On the 21<sup>st</sup> of May gunmen have attacked a Kabul guesthouse of a Swedish NGO, killing a German woman and an Afghan guard while a Finnish woman has been kidnapped. On the 31<sup>st</sup> of May, an immense truck-bomb black in the centre of Kabul in the diplomatic quarter during the morning hours and in the holy month of Ramadan. The attack left 150 dead and over 460 individuals severely injured.<sup>39</sup>

On June 1<sup>st</sup>, as a response to the events of May 31<sup>st</sup>, a number of predominantly young Kabuli's gathered at the blast site to hold a vigil in honour of the victims. When the crowds returned on the 2<sup>nd</sup> of June, the situation was significantly more tense. A demonstration was formed that called for the resign of the government. The situation became agitated when the Afghan police made use of water cannons, tear gas and batons. The security forces opened fire against civilian protestors killing at least 5 one of which was the son of a leading politician.<sup>40</sup> On June 3<sup>rd</sup> the Afghan government and intelligence officials advised Kabulis to

37 Radio Free Europe Radio Liberty (RFE/RL). 2017. *IS Claims Suicide Bombing In Kabul, Five Dead*. Retrieved from: [http://www.ecoi.net/local\\_link/340405/470797\\_en.html](http://www.ecoi.net/local_link/340405/470797_en.html)

38 BBC News. 2017. *Kabul bomb attack targeting Nato convoy kills eight*. Retrieved from: <http://www.bbc.com/news/world-asia-39789732>

39 CNN. 2017. *Kabul bombing: Death toll jumps to 150, one week after attack*. Retrieved from <http://edition.cnn.com/2017/06/06/middleeast/afghanistan-kabul-bomb-death-toll/index.html>

40 BBC News. 2017. *Kabul bomb: Protesters shot dead at march in Afghan capital*. Retrieved from: <http://www.bbc.com/news/world-asia-40131527>



stay indoors citing a threat of possible attacks. During one of the main funerals held for the burial of the victims from the attacks of the past days, three explosions tore through the crowd killing at least 20 and injuring over 35 civilians.<sup>41</sup> On June 15<sup>th</sup>, a deadly attack claimed by the IS was carried out on the al-Zahra mosque in the Afghan capital during the month of Ramadan; four were killed.<sup>42</sup>

### **Response of the Netherlands to Security Situation**

In the view of the security situation of Afghanistan as reported by International organisations and media, the Ministry of Foreign Affairs of the Netherlands has released a travel advice (reisadvies) that urges Dutch travellers to avoid Afghanistan at all costs as the security situation would put anyone in grave danger. The Ministry warns that travellers in Afghanistan are to face a high degree of aggression, robberies, abduction and sexual crimes throughout the country. Additionally, frequent terror attacks that occur in the entire country aimed at vehicles or building of Afghan government facilities, Afghan security forces or army, troops and convoys of international organisations or aid organisations and civilians. A warning for a high risk of missile attacks on central cities, land mines and other explosives are a danger in the entire country.<sup>43</sup>

- 41 Aljazeera. 2017. *Deadly blasts hit Kabul protest victim's funeral*. Retrieved from: <http://www.aljazeera.com/news/2017/06/killed-attack-funeral-kabul-protester-170603113259854.html>
- 42 The Guardian. 2017. *Suicide bomber strikes at Shia mosque in western Kabul*. Retrieved from: <https://www.theguardian.com/world/2017/jun/15/suicide-bomber-shia-mosque-kabul-afghanistan>
- 43 Koninkrijk der Nederlanden. 2017. *Reisadvies Afghanistan*. Retrieved from: <https://www.nederlandwereldwijd.nl/reizen/reisadviezen/afghanistan>