



Norwegian Refugee Council
Forced Eviction Monitoring Report
Shahrak-e-Sabz (Zone A and B) Informal Site, Herat Province

In September 2019, the Norwegian Refugee Council (NRC) deployed its Housing, Land and Property (HLP) team to monitor and document eviction incidents in Injil District of Herat Province.

The NRC team conducted six Focus Group Discussions (FGDs) in Shahrak-e-Sabz displacement site, located within Injil district of Herat Province, aimed at better understanding the concerns faced by Internally Displaced Persons (IDPs) in relation to evictions and/or forcible demolition of their homes.

Background and Context

The vast majority of conflict and/or drought-displaced people who fled to Herat as of April 2018 have no land or property in Herat. Initially, they settled on private lands in the Kahdistan and Clinic areas. However, they then moved from Kahdistan to – government provided - Shahrak-e-Sabz, with the first wave of movements to Shahrak-e-Sabz taking place in December 2018. According to an NRC Camp Management (CM) team assessment conducted in March 2019, one of the reasons for the relocation of IDPs from Kahdistan to Shahrak-e-Sabz was threats and instances of forced eviction by land owners that triggered their motivation for relocation.

Shahrak-e-Sabz is a government-owned land, belonging to the office of Hajj and Religious Affairs. The population of the Shahrak-e-Sabz is 8,938 households (HHs)¹, with the population of Zones A and B totaling to 3,070 HHs. There are a total of seven Zones in the area of Shahrak-e-Sabz, all of which have a high number of IDPs who are exposed to risks of eviction. However, as a pilot eviction monitoring exercise, Zones A and B were the main focus of the FGDs for this report, whilst further eviction monitoring will be conducted for the rest of the zones in the coming months. According to IDP households NRC surveyed, the situation of vulnerable families in Shahrak-e-Sabz is precarious. They are at risk of being evicted by the local authorities as their resettlement on the land is considered temporary.

¹ According to a recent profile mapping exercise conducted by NRC and DRC in Herat Province, the 8,938 households include in Shahrak-e-Sabz include 44.5% mud house with makeshift; 31% mud house with solid roof; 18.5% tents; and 6% makeshift tents.



The IDPs have also constructed mud homes that the police is destroying in an effort to vacate the IDPs from the land.

Focus Group Discussions (FGDs)

NRC interviewed 90 IDPs from Zone A and Zone B of Shahrak-e-Sabz. Six FGDs were conducted with 15 IDPs in each session on matters of forced eviction and other associated protection incidents. 25% of every session consisted of women and 75% of the participants were men. One-on-one interviews were also conducted to collect relevant facts and personal stories from the IDPs. The findings of the FGDs indicate that twelve IDP families had their homes demolished by government authorities. Eight IDPs stated having been arrested by the police due to them constructing mud homes, whereby some IDPs claimed that while arrested they were forced to work hard labour and were fed only once a day.

Furthermore, four FGDs were conducted on other related protection concerns, namely the access to legal identity and civil documentation which is necessary to access essential services including housing and humanitarian assistance. Two sessions on civil documentation were conducted exclusively for women, while two sessions were held exclusively for men. This allowed the participants to feel more at ease in talking about issues related to legal identity, including civil documentation.

Informal Settlements of Shahrak-e-Sabz

Upon arrival to Zones A and B of Shahrak-e-Sabz in December 2018, most IDPs lived in tents provided by the humanitarian community. However, interviewed IDPs stated that since the tents were made from materials that could no longer protect them well from the weather elements, they decided to construct homes made of mud. This was done without any authorization or endorsement from relevant authorities, including the Department of Refugees and Repatriation (DoRR). Based on a recent assessment that the NRC CM conducted in October 2019, around 76% of the families in Zones A and B of Shahrak-e-Sabz have built mud houses next to their tents to escape from the heavy winds and heat.

Government officials, including the office of Hajj and Religious Affairs which owns the land, maintain that the presence of the displaced communities in Shahrak-e-Sabz is no longer legitimate and that the houses constructed on the land are illegal. As a result, tensions have grown between the IDP community and the local authorities, leading to some instances of violence and to arrests. The police has been witnessed demolishing homes, forcibly evicting families from the land, and in some cases, arresting IDPs who are caught building mud houses.

While the DoRR and the Governor have agreed to the IDPs' relocation to Shahrak-e-Sabz, the land is currently not under their administration (although it seems a Memorandum of Understanding, which would transfer the land from the Office of Hajj and Religious Affairs to the DoRR for a period of five years, is being negotiated).

The National IDP Policy recognises many IDPs are living at risk of forced eviction in informal settlements and “acknowledges that forced evictions constitute gross violations of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman and degrading treatment, and freedom of movement.” (National IDP Policy, section 5.4, p. 33). The policy further states that evictions should only take place if they are carried out in line with national and international laws and policies, and in respect of key measures before, during and after the evictions. Some of these measures aim to guarantee that people are not left homeless as a result of the evictions, and that evicted people are not worse off after the eviction and that their access to livelihoods is maintained where relevant (National IDP Policy, section 5.4, p. 33).

Moreover, the National IDP policy obliges the Ministry of Refugees and Repatriation (MoRR) to “take measures to ensure that IDPs in informal settlements are permitted to upgrade their accommodation” (National IDP Policy, section 5.4, p. 40).



Security Incidences Faced by IDPs

According to the findings of the FGDs, the government's response to the IDPs presence and construction of mud houses in Shahrak-e-Sabz has been very severe. It was reported that the Surkh Police regularly patrols Shahrak-e-Sabz in order to demolish the houses and arrest the IDPs who are building mud houses in the area. The FGDs findings also indicated that the IDPs have been the subject of multiples threats of eviction by the police.

As per the IDPs' claims in the FGDs and as verified by the NRC HLP team, 12 mud homes were demolished in Shahrak-e-Sabz zones A and B by the police in August and September. During those months, the police also arrested six IDPs from zones A and B because they had constructed mud houses in the area. The IDPs were later released and reported to NRC that the police had kept them in custody for three days, without any charges being brought against them. The people who were arrested also stated that they were only fed once a day while in custody and three of them reported having been forced to perform hard labour where they had to move heavy rocks. The arrested IDPs were released on the condition that they sign an official written committing to stop building mud houses in Shahrak-e-Sabz.

The security of tenure, meaning the right to protection from arbitrary or forced eviction, of IDPs in Shahrak-e-Sabz is precarious. No agreements are in place allowing them to remain on the land and they risk being forced to vacate the land at any time.

IDPs living in Shahrak-e-Sabz have been waiting several months for the MoU between the Office of Hajj and Religious Affairs and the DoRR to be signed so as to gain a sense of security from being forcibly evicted. Since the IDPs are not officially authorized to use the land, they do not have any security of tenure and could be evicted at any time, as deemed appropriate by the police or landowners. The HLP FGD findings indicate that the police have threatened IDPs in Shahrak-e-Sabz with forced eviction on multiple occasions.

Conclusion

The IDP population in Shahrak-e-Sabz is vulnerable and at constant risk of being evicted. Monitoring of and advocacy on the concerns and challenges faced by this population should continue to take place. Arrests, forcible demolitions of homes or unlawful evictions should not be carried out. Where evictions occur, they should be done in accordance with the Afghan national law and the provisions of international human rights treaties, and in compliance with the National IDP policy.

Access to Legal Identity including civil documentation

Tazkera, the national identity card, is the civil document most required for daily life activities. It is essential for accessing education, employment, healthcare, humanitarian assistance, and moving freely. It is also necessary to prove ownership or other rights over a property, to rent or buy a house, other for other matters related to land and property. The NRC team held four FGDs to understand whether IDPs have essential civil documents.

A total of 15% of male participants in the FGDs, 85% of the female participants, and 95% percent of children did not have access to *tazkera*. While 80% of the participants were interested in sending their children to government schools but were not able to do so without a *tazkera* for the children.

The IDPs also reported being denied some assistance, include a package for returnees, for lack of civil documentation.

Many IDPs cannot obtain a *tazkera* as they must be in their area of origin to be issued this document. Most cannot travel to their area of origin due to insecurity and/or financial barriers.

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