

Kolkata Declaration on the Need for a Coherent Protection Policy and Justice for Refugees and Migrants of Afghanistan, 2021

1. Recalling the essential principles of the Kolkata Declaration (2018) that emphasised the need to take a view from the South and a more refugee and migrant oriented approach to the task of protection of refugees and migrants;
2. Recalling also the context of the two Global Compacts (2016 & 2018) on the protection of refugees and migrants in which the Kolkata Declaration (2018) was passed, and in view of the relative inefficacy of the two global compacts in addressing dire refugee and migrant crises as in Afghanistan today;
3. Where, in the wake of another political transition in Afghanistan in August 2021 in an unending series of violent changes in the last forty years, including US led intervention in Afghanistan in 2001, a large number of citizens of the country face a situation of violence, threats, intimidation, forced displacement, hunger, public health crisis, and other uncertainties of life;
4. Where, those at the greatest risk include members of minority communities, women, children, human rights and women's rights defenders and activists, media-persons, academics, writers, journalists, and employees and others who held official positions in administrative and security branches under the previous regime;
5. Where, the humanitarian situation has deteriorated dramatically since August 2021 with stoppage of external assistance and access to state funds held in banks outside the country, and conditions being placed on renewing international assistance, with extremely adverse consequences of these developments for the most vulnerable among the country's population;
6. Where, about 600,000 Afghans have been newly internally displaced by the armed conflict in 2021 alone, with 80 per cent of these newly displaced being women and children, with already more than 2.2 million registered refugees from previous waves of violence in Afghanistan, and a further 3 million Afghans of varying status including many undocumented persons, living precariously in Iran and Pakistan over the past four decades; and with some neighbouring countries sealing their borders with Afghanistan in view of the recent transition in the latter country or some countries closing their borders against free passage of Afghan youth in particular;
7. Where, severe drought and the COVID-19 pandemic have compounded the humanitarian crisis increasing the helplessness of the Afghan people;
8. And whereas, the developed, rich countries have adopted a very selective approach toward accommodating the new Afghan refugees through their rigid offshore refugee policy, establishment of deportation centres, primarily viewing the refugees as burdens and as potential security threats, and thereby closing their doors on Afghan shelter seekers, including those in the neighbourhood;

Recalling this overall context and upholding the essential principles of protection and justice in the wake of the latest transition in Afghanistan, this international conference of more than a hundred academics, jurists, activists, humanitarian

functionaries, and media persons, gathered in Kolkata from twenty countries from all over the world in a workshop and conference on “Global Protection System for Refugee and Migrants”(organised by the Calcutta Research Group, November 15-20, 2021), issues on November 20, 2021 the following call on the community of nations, the UNHCR, all other human rights and international humanitarian agencies, and the IOM:

To guarantee that the dignity of life and the human rights of the refugees and asylum-seekers from Afghanistan are not, in any way, compromised;

To safeguard the right of the Afghans and non-Afghans who want to leave Afghanistan;

To ascertain that the borders of various countries, where Afghan asylum seekers and other forced migrants seek protection, are kept open for these population groups;

To safeguard the principle of non-refoulement, including non-rejection at the land and maritime borders, and to ensure that the people in need of international protection are accorded protection and asylum;

To stop the forcible return of the refugees and asylum-seekers;

To facilitate the adoption of multi-dimensional policy responses to support the Afghans seeking protection from persecution, abuses and violations to their life, dignity and rights;

To ensure the prevention of pushback, rejections at borders, forced returns, and denial of the right to seek asylum on various grounds, including grounds of public health;

To adopt in line with the Guiding Principles on Internal Displacement specific measures of assistance to the internally displaced people in the country, who form a large section of the displaced population there;

To observe the international legal obligations with regard to Afghanistan;

To fully respect international refugee and human rights law, as enshrined in the 1951 Refugee Convention and its 1967 Protocol, human rights law treaties, and customary international law;

To ensure the right to inclusive education for Afghan protection seekers without discrimination within three months of arrival,

To ensure access to health care, including Covid-19 tests, treatment and vaccination of the Afghan refugees, migrants, and asylum-seekers,

To uphold the principles of non-intervention, national reconciliation, stability, and economic development of the people as the durable basis of protection of Afghan people from unending violence, war, hunger, displacements, forced migration, and ecological disaster;

To assert the need to adopt on an emergency basis appropriate measures for women and children of Afghanistan towards protection, economic well being, and justice;

To declare global humanitarian assistance as a special commitment to national reconstruction of Afghanistan, without precondition, and

To facilitate all other necessary measures on the basis of non-securitising humanitarian assistance towards the protection of and justice for the victims of war, intervention, violence, minority repression, denial of women and children's rights and ecological calamity in the form of successive severe droughts in past decades.

Kolkata, India

November 20, 2021