

Legal documentation and civil registration in Afghanistan

November 2024

Context







After four decades of war, Afghanistan continues to grapple with [profound challenges](#) in terms of civil documentation, including poor administrative processes. The [suspension of the 2004 Afghan Constitution](#) and all internal legislation in 2021 has also had significant ramifications for governance and legal systems in Afghanistan, particularly affecting civil registration processes.¹

Comprehensive and current [data regarding civil documentation](#) and registration rates in Afghanistan remains limited. According to the latest report of the World Bank, only 42% of the estimated total births in the country are fully registered.² Furthermore, data from the Protection Cluster's Protection Monitoring tool for the first half of 2024 reveals that 59% of surveyed households were impacted by the absence of civil documentation, with women and girls being disproportionately affected. Various factors such as displacement status, gender, and education levels correlate with reduced access to documentation.³

The absence of civil documents, including *Tazkira*, significantly limits access to [basic human rights](#) such as freedom of movement and education, [access to services](#) including healthcare and banking services, as well as the overall capacities for [economic self-reliance](#), reintegration and longer-term durable solutions.

At a glance: UNHCR's legal assistance activities in 2024

Updated as of October 2024

<p>Partners</p>  <p>5 partners, including 4 local NGOs</p>	<p>Geographical coverage</p>  <p>89 districts covered across 12 provinces (21% of Afghanistan's 419 districts)</p>	<p>Legal experts</p>  <p>53 legal experts providing legal services, including 16 women (30%)</p>
<p>Legal awareness</p>  <p>1,479 sessions were held, reaching 24,881 persons, including 11,957 women</p>	<p>Legal counseling</p>  <p>4,785 persons received legal counseling, including 1,984 women</p>	<p>Legal aid</p>  <p>6,472 civil documents were issued with the support of legal aid</p>

¹ Samuel Hall, "Documentation and Legal Identification in Afghanistan", 2023.

² World Bank, "Completeness of birth registration (%) – Afghanistan", 2015.

³ Samuel Hall, *ibid.*

UNHCR's pilot legal assistance program in 2023

The provision of legal assistance to refugees, asylum-seekers, internally displaced people (IDP) and refugee and IDP returnees remains a cornerstone of UNHCR's [protection and solutions strategy](#). Access to civil documentation through legal assistance is not only vital to enable individuals to access their rights but also essential for ensuring their access to public services, which is integral to promoting greater freedom of movement and facilitating their pursuit of durable solutions.

The UNHCR legal assistance project seeks to [empower individuals](#), particularly those affected by conflict and displacement, including refugee returnees, by helping them navigate the legal system and ensuring the protection of their rights. It also aims to foster [community empowerment](#) through support to legal clinics, grassroots campaigns, and community-led initiatives. This is achieved through a comprehensive, multi-faceted approach encompassing a range of legal services and initiatives.

Launched in 2023, UNHCR's [pilot project](#) on legal assistance focused on the Western and South-eastern regions, comprising three main components: legal awareness, legal counselling, and legal aid provided by two partners: the Organisation for Social and Economic Development (OSED) and Watan's Social & Technical Services Association (WATAN). UNHCR played an active role by providing technical guidance, engaging in monitoring activities, and contributing to capacity-building efforts.

Within a span of only six months, the project [reached](#) almost 30,000 individuals and over 1,200 civil documents were issued with the support of partners.

Advancing legal assistance in 2024

Building upon the success of this pilot project, the [geographical and material scope](#) of the project was expanded to cover a total of six areas: Herat and Gardez, Kandahar, Jalalabad, Kunduz, and Kabul. As a result, UNHCR partners with a total of five legal partners, including the Afghan Women Skills Development Center (AWSDC), Norwegian Refugee Council (NRC) and Women for Afghan Women (WAW) in addition to OSED and WSTA.

In addition to the three activities already outlined for 2023, partners also have the opportunity to engage in legal representation whenever required.

Focus on women and girls

Considering available data, UNHCR and partners strive to facilitate women and girls' access to legal assistance services. For example, 16 [legal women experts](#) are employed to ensure access to women-led awareness raising sessions and legal the individual counseling. Despite restrictions and based on local agreements with the de facto authorities, female partner staff are able to travel to the field and to facilitate activities. Although they are not always able to visit and work in the NGO office, this limitation requires remote experience-sharing and capacity-building.

Feedback

In Kandahar, a female IDP returnee shared with UNHCR that with the support of AWSDC, she and her three sisters' in-law were able to obtain paper Tazkira, ensuring freedom of movement with their mahram. Her brother and her husband planned to open a business to support the family, a livelihood which requires frequent business travels across the country. Without documentation, any movement is hindered by regular law enforcement checkpoints.



Challenges

Challenges remain in supporting refugees, asylum-seekers, IDP and refugee and IDP returnees accessing civil documentation. After decades of conflict, the [capacity of registry services](#) remains weak with limited supply of essential equipment and trained personnel, resulting in considerable backlog. The suspension of the [legal framework](#) is complicating procedures with additional *ad hoc* conditions and/or fees enforced in certain areas, for arbitrary periods of time.

Way forward

Supporting legal assistance partners and services will remain a priority for UNHCR Afghanistan in 2025. The

operation will maintain its considerable footprint, refine its strategy based on quantitative and qualitative data and roll out capacity-building based on [lessons learned](#) in 2024. For example, targeted districts will be revisited based on trends and analysis from UNHCR's latest post-return monitoring survey and the 2024 Socio-Economic Vulnerability Assessment (SEVA) to ensure refugee returnees have enhanced access to services in their regions of return. The feedback of women will be collected based on their experience of receiving legal assistance services in 2024 to tailor the approach in 2025 in terms of outreach, identification, messaging and legal aid mechanisms.

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Legal counselling session provided to a woman in Herat, UNHCR/OSED, January 2024