

**UN HUMAN RIGHTS COMMITTEE, 142nd SESSION (14 OCT - 8 NOV 2024)**

**REVIEW OF THE STATE OF PAKISTAN**

**SUBMISSION**



**Refugee Rights Lab:**

Created in 2024 and held annually in cooperation with the University of Padua's Human Rights Centre (Centro di Ateneo per i Diritti Umani Antonio Papisca), the Refugee Rights Lab is a human rights clinic involving 2<sup>nd</sup> year students of the Master's Programme in Human Rights and Multi-level Governance, under academic supervision. While offering students a formative experience, the Lab intends to contribute to the global refugee policy agenda, support relevant monitoring efforts and ultimately serve the advancement of the rights of refugees and other forcibly-displaced persons. Initiatives include evidence-based research and policy notes as well as submissions to international human rights mechanisms, and other competent institutions.

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## INTRODUCTION

This submission is designed to inform the upcoming review of Pakistan by the UN Human Rights Committee (HRC), to take place at its 142nd session in October and November 2024. Pakistan submitted a Periodic Report on 7th December 2022<sup>1</sup>. The HRC issued a List of Issues on 29th November 2023<sup>2</sup> to which Pakistan responded on 20th March 2024.<sup>3</sup>

The submission addresses the situation of Afghan refugees in Pakistan, and potential challenges with respect to the principle of non-refoulement, this in the context of the Pakistani government's recent Illegal Foreigners Repatriation Plan (IFRP). Section 1 provides background information and an update about Afghan refugees in Pakistan, with information on existing legal statuses, the IFRP plan and its implications. Section 2 documents practices of concern, including evictions, arbitrary arrests, detentions, deportations, and discusses "voluntary returns". Section 3 lists key legal obligations attached to the principle of non-refoulement, guidance on expected guarantees issued by UN Treaty Bodies as well as prior recommendations made to Pakistan on the matter. Section 4 maps the existing commitments of Pakistan, and its positions on earlier recommendations made regarding its legal framework, as far as international protection is concerned. Section 5 offers concluding observations, with reference also to the List of Issues from the HRC and the Reply submitted by Pakistan.

The information presented in this submission includes official governmental documents, reports and data from the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and findings from relevant UN Treaty Bodies such as the Human Right Committee itself (HRC), the Committee Against Torture (CAT), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on Economic Social and Cultural Rights (CESCR), the Committee on the Rights of the Child (CRC), and the Committee on the Elimination of Discrimination against Women (CEDAW). Additional information is taken from reports of the National Commission for Human Rights of Pakistan (NCHR), as well non-governmental organizations. News reports from reliable media sources, including testimonials of Afghan refugees are also featured. Information in the present submission was last updated on 4th September 2024.

## SECTION 1. BACKGROUND & SITUATION UPDATE

### 1.1 Afghans in Pakistan, options for registration and administrative statuses

1.1.1 Since the Taliban's swift takeover of Afghanistan in August 2021, it is estimated that over 3.2 million Afghans have fled to neighboring Pakistan.<sup>4</sup> This movement primarily comprises women and children making up an estimate of more than 70% of those who sought refuge and a semblance of stability.<sup>5</sup> Pakistan's legal framework regarding refugees presents a significant challenge. Indeed, the absence of a specific refugee law creates uncertainty concerning the status and rights of these Afghan asylum seekers. Historically, Afghan refugees in Pakistan did not require formal documentation. In 2006, the Pakistani government in cooperation with UNHCR introduced a system of Proof of Registration cards (PoR cards), which provided a degree of legal protection against deportation, along with access to certain basic rights.<sup>6</sup> In October

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<sup>1</sup> HRC, [Second periodic report submitted by Pakistan under article 40 of the Covenant, due in 2020](#), 7 December 2022.

<sup>2</sup> HRC, [List of issues in relation to the second periodic report of Pakistan](#), 29 November 2023.

<sup>3</sup> HRC, [Replies of Pakistan to the list of issues in relation to its second periodic report](#), 20 May 2024.

<sup>4</sup> UNHCR [Annual Results Reports 2023 Pakistan](#), 29 May 2024.

<sup>5</sup> NCHR [Technical Note on Children Protection for Children on the Move](#), February 2024.

<sup>6</sup> NCHR [The Plight of Incarcerated in Central Prison, Karachi Afghan Refugees](#), December 2022.

2023, approximately 1.3 million Afghans possessed PoR cards which expired in June 2023.<sup>7</sup> In November, the Ministry of States and Frontier Regions extended the validity of these cards until December 31st, 2023.<sup>89</sup> Most recently, UNHCR welcomed the Pakistani government's decision to provide a further extension for a full year, with the new expiry date set for June 30th, 2025.<sup>10</sup> However, uncertainty related to the PoR card extension has been recently cited by PoR card holders as among reasons for leaving Pakistan<sup>11</sup>. Besides PoR cards: Afghan Citizen Cards (ACC) were introduced by the Pakistani government in 2017 to register unregistered Afghan nationals. Between 16th August 2017 and February 2018, the Pakistani National Database & Registration Authority (NADRA) established 21 centers across the country to facilitate a registration process where "any self-declared Afghan could apply for an ACC card"<sup>12</sup>. As a part of a 'Comprehensive Policy on the Voluntary Repatriation and Management of Afghan Nationals', these cards were initially issued with a six months validity.<sup>13</sup> Their last prolongation was up until 30 June 2020<sup>14</sup> and the status of any further extension remains unclear.<sup>15</sup> Afghan nationals with Afghan passports who have resided in Pakistan for a significant time can also obtain a visa or extension for a period of 6 months with one re-entry.<sup>16</sup> They must travel to the Pakistan-Afghanistan borders to renew their visas. However, sources have reported that even with the possession of valid visas, bribes have been demanded to allow them to cross the border.<sup>17</sup> UNHCR data points to harassment, waiting long hours at checkpoints and detention as the most reported problems experienced prior to the border-crossing and extortions were also reported.<sup>18</sup> Both PoR and ACC cards offer in principle legal protection against deportation and arbitrary arrests under the 1946 Foreigners Act.<sup>1920</sup>

## 1.2 The Illegal Foreigners Repatriation Plan (IFRP)

1.2.1 The situation for Afghan refugees has become increasingly precarious due to the Pakistani government's "Illegal Foreigners' Repatriation Plan"<sup>21</sup> announced in September 2023. The plan consists of 3 different phases. Phase 1 provided a one-month deadline for individuals to leave Pakistan voluntarily. From the 1st of November 2023, undocumented foreigners were subjected to deportation. Despite the government's statement about the plan applying to all foreigners

<sup>7</sup> Asia Displacement Solutions Platform [Briefing Note: Deported to what? Afghans in Pakistan](#), October 2023.

<sup>8</sup> UNHCR Pakistan [X Official Account](#), 14 November 2023.

<sup>9</sup> The government approved in February 2024, the renewal of PoR cards until March 31st, 2024, followed by an extension of June 30th, 2024, announced in April. UNHCR Pakistan [X Official Account](#), 7 February 2024, UNHCR-IOM [Flash Update #21](#), 7 June 2024.

<sup>10</sup> UNHCR, [UNHCR welcomes Government of Pakistan's decision to extend PoR cards for Afghan refugees](#), 11 July 2024. In 2023, an asylum seeker has reported to Amnesty International a 10 month wait for a biometric appointment and over 10 months waiting to receive the official card. Amnesty International [Pakistan: Government must stop harassing and arbitrarily arresting Afghans seeking refuge](#), 20 June 2023.

<sup>11</sup> UNHCR-IOM [Flash Update #27](#), 28 August 2024.

<sup>12</sup> Except for Proof of Registration card holders and single males under 18. EUAA [Pakistan - Situation of Afghan Refugees Country of Origin Report](#) p.60, May 2022.

<sup>13</sup> EUAA [Pakistan - Situation of Afghan Refugees Country of Origin Report](#) p.62, May 2022.

<sup>14</sup> "The ACC card was extended several times: first until 30 April 2019, then to 31 October 2019 and finally until 30 June 2020. Since then, ACC extension is 'pending a Cabinet decision'. As Mudassar M. Javed of SHARP informed in a February 2022 interview, 'June 2020 was the last validity date for ACC cards' and since then, there has not been any extension notification." EUAA [Pakistan - Situation of Afghan Refugees Country of Origin Report](#) p.60, May 2022.

<sup>15</sup> Amnesty International [Pakistan: One-year extension of UN-registered Afghan refugees a welcome first step, lifeline must extend to all](#), 11 July 2024.

<sup>16</sup> The Federal of Pakistan Chambers of Commerce and Industry [Afghan Visa](#).

<sup>17</sup> Amnesty International [Pakistan: Government must stop harassing and arbitrarily arresting Afghans seeking refuge](#), 20 June 2023.

<sup>18</sup> Bribes paid at police checkpoints were reported in 58% of the interviews carried out in 2023 and 23% in 2024, followed by 20% of extortion in 2023 and 18% in 2024. Data collected from 12 November 2023. UNHCR [Pakistan-Afghanistan Returns Emergency Response #20](#), 19 August 2024.

<sup>19</sup> Section 3 (1) and (2) of the Foreigners Act.1946 govern all foreigners, potentially exposing undocumented refugees to arrest, detention, and deportation. RefWorld [Pakistan Foreigners Act, 1946](#).

<sup>20</sup> RefWorld [Pakistan Foreigners Act, 1946](#) [accessed on 14 July 2024].

<sup>21</sup> On 26 September 2023, the Ministry of Interior (MoI) in Pakistan outlined that the IFRP comprises mechanisms to consolidate databases of "illegal foreigners" in Pakistan, check entry of new illegal entrants, apprehension, deportation, repatriation of illegal/overstaying foreigners. IOM UN Migration [Flow Monitoring of Afghan Returnees – Bi-Weekly Report \(1 - 15 October 2023\)](#), 18 October 2023.

residing in the country, regardless of their nationality or country of origin,<sup>22</sup> Afghans represent the vast majority of those concerned.<sup>23</sup> Sources suggest the Phase 2 included ACC card holders while the Phase 3 is predicted on the deportation of PoR card holders.<sup>24</sup> Controversially, the Pakistan Government stated the IFRP would not be applicable to individuals who enjoy refugee status and to foreigners residing legally in the country.<sup>25</sup> The proposal lacks transparency regarding the status of implementation of Phase 2 and Phase 3 and this issue is compounded by the government's opaque decision to cancel the previously issued Afghan Citizen Cards. This arbitrary revocation has reportedly left thousands of refugees in legal limbo<sup>26</sup> facing probable deportation.

### 1.3 Implementation and persons concerned to date

1.3.1 From 15 September 2023 to 24 August 2024, 706,372 individuals have been returned to Afghanistan. 44,477 of them are facilitated PoR returnees.<sup>27</sup> Additionally, 34,202 individuals have been deported. Notably, undocumented Afghans comprised the predominant majority (88%) of returnees, followed by PoR (10%) and ACC holders (2%). Undocumented Afghans also account for 95% of deportations while PoR card holders 5%.<sup>28</sup> The reasons for PoR card holders' deportation remain unclear.

### 1.4 Situation in Afghanistan and standing risks upon return

1.4.1 Given the scope and the gravity of human rights abuses under Taliban rule, particularly towards women and girls, being returned to Afghanistan poses significant risks. According to UNHCR's Guidance Note on the International Protection Needs of People Fleeing Afghanistan (Update I in 2023), civilians in Afghanistan continue to be gravely affected by the security, human rights and humanitarian crises in the country. The Taliban *de facto* authorities are reported to have committed serious human rights violations, including extrajudicial killings, arbitrary arrest and detention, torture and other forms of ill-treatment. This underscores the well-founded fear of persecution for many Afghans.<sup>29</sup> Additionally, on 7 October 2023, UNHCR and IOM released a joint statement pleading with Pakistan to maintain the protection for Afghans seeking safety and calling on all countries to suspend the forcible returns of Afghan nationals.<sup>30</sup> The UN Special Rapporteur report on the situation of human rights in Afghanistan<sup>31</sup> has also highlighted in 2023 violations of the principle of non-refoulement with Pakistan's recent Repatriation's Plan and has urged for the continued protection of Afghans in Pakistan, especially vulnerable groups like women, minorities, and former government officials. His latest 2024 report highlights the alarming deterioration of women's rights under Taliban rule<sup>32</sup>. The systematic gender-based discrimination raises the specter of crimes against humanity, and speaks to the urgent need for

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<sup>22</sup> Ministry of Foreign Affairs of Pakistan, [Transcript of the Weekly Media Briefing by Spokesperson Thursday](#), 02 November 2023.

<sup>23</sup> Afghan nationals represent 64% of the total foreign nationals incarcerated in Pakistan. The majority are charged under the Foreigners Act 1946. NHCR [Protection of Rights of Foreign Nationals imprisoned in Pakistan](#), April 2024.

<sup>24</sup> Amnesty International [Pakistan's 'Illegal Foreigners' Repatriation Plan](#), 4 April 2024.

<sup>25</sup> Ministry of Foreign Affairs of Pakistan [Press release](#), 30 October 2023.

<sup>26</sup> In the legal realm, "limbo" describes a situation where the applicable law is unclear. This creates uncertainty regarding rights, obligations, and potential outcomes. Essentially, the legal status of the matter hangs in suspense. Hightower, Ben. [Refugee limbo](#). School of Law, University of Wollongong, 2013.

<sup>27</sup> According to IOM-UNHCR, the number refers to facilitated PoR returns through Voluntary Repatriation Centres (VRCs) who crossed the border during the reporting period. UNHCR-IOM [Flash Update #27](#), 28 August 2024. According to UNHCR, total returns include all returns including deportations, assisted Voluntary Repatriation (VolRep) and other returns of Afghans of all statuses such as PoR cardholders, ACC holders, and the undocumented. UNHCR assisted 108,100 of returnees. UNHCR [Pakistan-Afghanistan - Returns Emergency Response #21](#), 4 September 2024.

<sup>28</sup> The number refers to PoR holders based on interviews conducted with returnees in Afghanistan. UNHCR-IOM [Flash Update #27](#), 28 August 2024.

<sup>29</sup> UNHCR [Guidance Note on the International Protection Needs of People Feeling Afghanistan - Update I](#), February 2023.

<sup>30</sup> UNHCR [UNHCR and IOM urge Pakistan to maintain protection space for Afghans in need of safety](#), 7 October 2023.

<sup>31</sup> OHCHR [Situation of human rights in Afghanistan: Report of the Special Rapporteur on the situation of Human Rights in Afghanistan](#) p.16-17, 22 February 2024.

<sup>32</sup> OHCHR [Situation of human rights in Afghanistan. Report of the Special Rapporteur on the situation of human rights in Afghanistan](#), 22 February 2024.

the international community to address the issue of Afghan displacement through a collaborative and rights-based approach. The National Commission for Human Rights (NCHR) had also highlighted, back in 2022, the “alarming situation Afghan women face under Taliban rule, particularly regarding education, freedom of movement, and work limitations”, calling “for sensitivity towards Afghan women, particularly in light of the risks they face upon returning to Afghanistan”.<sup>33</sup> UNHCR’s position is that “in light of the current situation for women and girls in Afghanistan (...)” protection is presumed to be required due to the persecutory measures taken by the de facto authorities in Afghanistan which affect women and girls solely on the basis of their gender.<sup>34</sup>

## SECTION 2. PRACTICES OF CONCERN

### 2.1 Evictions and arbitrary arrests

2.1.1 Starting in early October 2023, the Capital Development Authority (CDA) demolished informal settlements of Afghans in the suburbs of Islamabad, where homes and possessions were destroyed. These demolitions occurred with little due process or warning<sup>35</sup>. Official statements have been disseminated through leaflets and loudspeakers at local mosques warning that providing accommodation to undocumented refugees will result in fines and arrests.<sup>36</sup> The IOM-UNHCR survey in 2024, reported the loss of livelihood as one of the main reasons for leaving Pakistan.<sup>37</sup> A journalist residing in Peshawar stated that “although most Afghans are being turned away, the landlords that are offering concessions are charging five times the rent that they normally would”.<sup>38</sup> Furthermore, some refugees claimed confiscation of PoR cards took place during arrest.<sup>39</sup> According to an individual testimony, individuals can be taken to police stations, where in most cases, a bribe must be paid to secure release. Afghan refugees have reportedly paid between 10,000 and 40,000 Pakistani rupees (US\$36 to \$144) to Pakistani police.<sup>40</sup>

### 2.2 Detention

2.2.1 The plan (IFRP) has sparked controversy and raised concerns about potential coercion, including detention, and forced “repatriation” to Afghanistan. An Afghan refugee stated that since the IFRP announcement, even those registered with UNHCR are facing detention or deportation despite having valid visas.<sup>41</sup> UNHCR documented a significant rise in arrests and detentions of Afghan nationals with an over thirty-fold increase in 2023 (30,667) compared to 2022 (997), including 26,299 ACC holders and undocumented individuals and 4,368 PoR card holders<sup>42</sup>. Since October 2023, Balochistan remains the province with the highest rate of arrest and detention. The top four districts for arrest and detention between 1 January and 24 August 2024 are Chagai (Balochistan), Pishin (Balochistan), Karachi (Sindh) and Peshawar (KP).<sup>43</sup>

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<sup>33</sup> NCHR [The Plight of Incarcerated in Central Prison, Karachi Afghan Refugees](#), December 2022.

<sup>34</sup> UNHCR [UNHCR Statement on the concept of persecution on cumulative grounds in light of the current situation for women and girls in Afghanistan: Issued in the context of the preliminary ruling reference to the Court of Justice of the European Union in the cases of AH and FN v. Bundesamt für Fremdenwesen und Asyl \(C-608/22 and C-609/22\)](#), 25 May 2023.

<sup>35</sup> Amnesty International [Pakistan: Halt mass detentions and deportations of Afghan refugees](#), 10 November 2023.

<sup>36</sup> *Ibid* 2023.

<sup>37</sup> UNHCR-IOM [Flash Update #26](#), 18 August 2024. Loss of livelihood was cited by 19% of ACC holders or undocumented respondents, and by 13% of PoR holders.

<sup>38</sup> Amnesty International [Pakistan: Halt mass detentions and deportations of Afghan refugees](#), 10 November 2023.

<sup>39</sup> NCHR [The Plight of Incarcerated in Central Prison, Karachi Afghan Refugees](#), December 2022.

<sup>40</sup> Human Rights Watch. [Pakistan: Afghans Detained, Face Deportation](#), October 2023.

<sup>41</sup> *Ibid* 2023.

<sup>42</sup> UNHCR [Pakistan-Afghanistan Returns Emergency Response](#), 4 July 2024.

<sup>43</sup> UNHCR-IOM [Flash Update #27](#), 28 August 2024.

2.2.2 Afghans are exposed to detention under the general prison system as well in so-called “Deportation Centres”. Regarding the first, a 2024 report from the National Human Rights Commission of Pakistan documents alarming conditions, including lack of access to health care and instances of torture and ill-treatment.<sup>44</sup> Detainees face limited access to legal representation, leaving them vulnerable within the legal system.<sup>45</sup> Afghans represent 64% of the total foreign nationals incarcerated in Pakistan, the majority of them are charged under the Foreigners Act 1946.<sup>46</sup> The NHRC reported that Afghan refugees, even those with valid visas, were being subjected to arbitrary detention and harassment, often involving intrusive searches, confiscation of belongings, and demands for bribes.<sup>47</sup> In 2022, the NHRC had observed that the Karachi prison operated far beyond capacity.<sup>48</sup>

2.2.3 So-called “Deportation Centres” are not set up under a specified law, and thus reportedly operate outside the regular legal system, raising serious questions about due process and the right to a fair trial.<sup>49</sup> Lack of legal rights was documented in at least seven centers, including the right to a lawyer or that of communication with family members.<sup>50</sup>

### 2.3 Deportation, lack of due process

2.3.1 A document issued by the Government (Ministry of States and Frontier Regions) on October 10th, 2023 states that PoR and ACC card holders are allowed to temporarily reside in the country and affirms they can only be repatriated on a voluntary basis.<sup>51</sup> The document states that previous instructions have been issued to all relevant stakeholders, including provincial governments, to ensure no harassment or undue adverse action be taken against the cardholders until the decision of the Federal Cabinet. It requests that all relevant departments and agencies ensure compliance with these guidelines to protect Pakistan's image and the goodwill it has built over the past forty-three years.<sup>52</sup> Still, in December 2023, UN experts expressed concerns regarding the lack of individual risk assessments prior to deportations under the IFRP<sup>53</sup>, pointing out that a failure to conduct them could violate the principle of non-refoulement.<sup>54</sup>

2.3.2 Afghan nationals born and raised in Pakistan, who often have only a distant connection to Afghanistan, are not recognized as citizens, leaving them vulnerable to deportation.<sup>55</sup> The joint statement by UNHCR, IOM, and UNICEF in November 2023 warned about the serious risks faced by children in detention facilities in Pakistan, during deportation, and upon return to Afghanistan, including family separation, threats to physical safety, fear, abuse, and exploitation.<sup>56</sup> A 17-year-old boy, born in Pakistan and holding a PoR card, exemplifies this reality. Despite his legal status and minor age, he was detained in a raid and deported the next day, leaving his family distraught and his whereabouts unknown.<sup>57</sup>

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<sup>44</sup> NCHR [Protection of rights of Foreign Nationals imprisoned in Pakistan](#) p.14, April 2024.

<sup>45</sup> NCHR [Protection of rights of Foreign Nationals imprisoned in Pakistan](#) p. 2, April, 2024.

<sup>46</sup> NCHR [Protection of rights of Foreign Nationals imprisoned in Pakistan](#) p.9-14, April, 2024.

<sup>47</sup> NCHR [Protection of rights of Foreign Nationals imprisoned in Pakistan](#) p.14, April 2024.

<sup>48</sup> NCHR [The Plight of Incarcerated in Central Prison, Karachi Afghan Refugees](#), December 2022.

<sup>49</sup> Amnesty International [Pakistan: Halt mass detentions and deportations of Afghan refugees](#), 10 November 2023.

<sup>50</sup> *Ibid* 2023.

<sup>51</sup> UNHCR [Pakistan X Official Account](#), 10 October 2023.

<sup>52</sup> *Ibid* 2023.

<sup>53</sup> OHCHR [UN experts call for protection of Afghan nationals in Pakistan](#) (Press Release), 6 December 2023.

<sup>54</sup> OHCHR [UN experts call for protection of Afghan nationals in Pakistan](#), (Press Release), 6 December 2023.

<sup>55</sup> NCHR [The Plight of Incarcerated in Central Prison, Karachi Afghan Refugees](#), December 2022.

<sup>56</sup> UNHCR [UNHCR, IOM and UNICEF call for protection of children and families seeking safety in Pakistan](#), 3 November 2023.

<sup>57</sup> Amnesty International [Pakistan: Halt mass detentions and deportations of Afghan refugees](#), 10 November 2023.

## 2.4 “Voluntary returns”

2.4.1 From September 2023 until 1st September 2024 712,200 Afghans have returned to Afghanistan.<sup>58</sup> As of July 2024, over 159,000 individuals have returned since the beginning of the year.<sup>59</sup> UNHCR has assisted over 100,000 returnees, with nearly half being women. Notably, at least a quarter of assisted households are women-led, and many intend to return to major Afghan cities.<sup>60</sup> The UNHCR Voluntary Repatriation Programme for Afghan refugees is accessible to registered refugees by completing a Voluntary Repatriation Form (VRF) at one of the Voluntary Repatriation Centres (VRC). UNHCR recalls that the choice to return to Afghanistan should be based on an informed decision and be entirely voluntary.<sup>61</sup> Indeed, the concerns are that the threat of arrest and potential deportation, harassment, and extortion is pressuring many into leaving Pakistan, regardless of their administrative status. The UNHCR-IOM survey highlights the fear of arrest (88%) as the leading reason for return among undocumented Afghans and ACC holders.<sup>62</sup> The Committee against Torture (CAT)<sup>63</sup> in 2017 expressed concern over documented reports indicating coercion, such as threats of deportation, police abuse, extortion, raids, and arbitrary detention, targeting Afghans, including registered refugees in which these actions force them to return to their country of origin, where they risk facing persecution, torture, or ill-treatment. In 2016, the Committee on the Elimination of Racial Discrimination (CERD)<sup>64</sup> had already expressed concern about an increase in hostility and violence towards Afghan refugees and advised Pakistan to take effective measures to reduce it.

2.4.2 A testimonial from an Afghan woman, one of the many who returned to Afghanistan before the deadline of the IFRP, explained that the police came to their home in a refugee camp in Peshawar in the middle of the night and were told to leave with their children if they wanted to avoid the shame of being imprisoned. She took her children to the border and has had no contact with her husband who’s been incarcerated since October 15, 2023.<sup>65</sup> The experience of another woman and her family, who were pressured to leave Pakistan years ago, further highlights the lack of genuine choice. As she recounted, “we first came back to Afghanistan six years ago, because then the government of Pakistan was already pushing for us to leave. We tried to make it work, but we never managed to find enough income to feed the family in Afghanistan. So we left again, and returned to Pakistan. We never even thought of a return back to Afghanistan, until we were forced to”. She was eight months pregnant at the time, mentioned they never truly felt Afghanistan was home.<sup>66</sup> Moreover, limited access to resettlement opportunities could also be a factor influencing decisions to return. A \$830 exit fee imposed by Pakistan on Afghans, at least to refugees positioned for resettlement in third countries, if not more extensively, has raised concerns among UN agencies and diplomats.<sup>67</sup> The measure mainly targets those seeking resettlement in Western countries and many of them do not have access to a credit card, which is required to pay the exit fee. The Pakistani government defends the policy as a mechanism to address overstayed visas and undocumented migrants.<sup>68</sup>

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<sup>58</sup> UNHCR [Pakistan-Afghanistan - Returns Emergency Response #21](#), 4 September 2024.

<sup>59</sup> UNHCR [Pakistan-Afghanistan - Returns Emergency Response #18](#), 4 July 2024.

<sup>60</sup> UNHCR [Pakistan-Afghanistan - Returns Emergency Response #21](#), 4 September 2024.

<sup>61</sup> UNHCR [CARE Package Information](#).

<sup>62</sup> Followed by loss of livelihood (19%), communal pressure (13%), unable to pay utilities (7%), unable to pay house rent (7%) of ACC holders and undocumented Afghans. While PoR holders mentioned socio-economic challenges (29%), strict border entry requirements (21%), uncertainty related to the PoR card extension (16%), no added protection value to PoR card (15%) and other (19%). The survey included 26,363 of ACC holders and undocumented Afghans participants and 3,851 of PoR holders. UNHCR-IOM [Flash Update #27](#), 28 August 2024.

<sup>63</sup> CAT [Concluding Observations](#), 1 June 2017.

<sup>64</sup> CERD [Concluding Observation](#), 3 October 2016.

<sup>65</sup> [Medium At the Edge of ‘Home. Deportation and Refoulement at the Afghan-Pakistan Border](#), 17 November 2023.

<sup>66</sup> [Ibid](#) 2023.

<sup>67</sup> The Guardian [Pakistan under fire for ‘shocking’ \\$830 exit fee for refugees who fled Taliban](#), 22 November 2023; BBC [Pakistan charging refugees \\$830 to leave](#), 23 November 2023.

<sup>68</sup> The Guardian [Pakistan under fire for ‘shocking’ \\$830 exit fee for refugees who fled Taliban](#), 22 November 2023.

## SECTION 3. RELEVANT OBLIGATIONS, GUIDANCE AND PRIOR RECOMMENDATIONS

### 3.1 Non-refoulement

3.1.1 Pakistan has legal obligations attached to non-refoulement - which it must uphold vis à vis asylum-seekers and refugees - particularly under articles 6 and 7 of the International Covenant on Civil and Political Rights (ICCPR), article 3 of the Convention against Torture (CAT) and article 6 and 37 of Convention on the Rights of the Child (CRC). As spelled out by the HRC with respect to obligations under ICCPR, States parties must "allow all asylum seekers claiming a real risk of a violation of their right to life in the State of origin access to refugee or other individualized or group status determination procedures that could offer them protection against refoulement".<sup>69</sup>

3.1.2 In 2017<sup>70</sup>, the CAT had recommended Pakistan to "amend legislation, particularly the Extradition Act 1972 and the Foreigners Order 1951, and procedures to fully comply with the principle of non-refoulement and to protect refugees and asylum seekers, in line with article 3 of the Convention and to consider adopting a comprehensive law on asylum that is consistent with international human rights standards and norms and is in accordance with article 3". Furthermore, several other treaty bodies - including the Human Rights Committee (HRC) itself in 2017, the Committee on Economic Social and Cultural Rights (CESCR) in 2017, the Committee on the Elimination of Racial Discrimination (CERD) in 2016 and the Committee on the Rights of the Child (CRC), in 2009 and 2016, have stressed the need for Pakistan to "adopt a national refugee law in compliance with international standards".<sup>71</sup>

3.1.3 Treaty bodies - including the CAT in 2017, CERD in 2009 and 2016, CRC in 2009 and 2016, as well as CEDAW in 2013 have also repeatedly called on Pakistan to consider ratifying the 1951 Geneva Convention and its 1967 Protocol.<sup>72</sup>

### 3.2 Related guarantees

3.2.1 The CERD General Recommendation No. 22<sup>73</sup> emphasizes the importance of voluntary return and the principle of non-refoulement. This is echoed in its General Recommendation No. 30<sup>74</sup>, which also insists of the need to ensure that non-citizens are not subject to collective expulsion and that "laws concerning deportation or other form of removal of non-citizens from the jurisdiction of the State party do not discriminate in purpose or effect among non-citizens on the basis of race, color or ethnic or national origin, and that non-citizens have equal access to effective remedies, including the right to challenge expulsion orders, and are allowed effectively to pursue such remedies". The CEDAW's General Recommendation No.38<sup>75</sup> similarly highlights the importance of non-refoulement and prohibiting arbitrary and collective expulsions.

3.2.2 The CRC General Comment No. 20 emphasizes the specific vulnerabilities of refugee and asylum-seeking children, including their right to protection from expedited removal procedures.<sup>76</sup> The Committee stresses these children should not be subjected to such processes without a prior determination of their best interests and the establishment of a need

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<sup>69</sup> HRC, [General comment No. 36 on article 6: right to life](#) 3 September 2019, §31.

<sup>70</sup> CAT [Concluding Observations](#), 1 June 2017.

<sup>71</sup> CESCR [Concluding observations](#), 23 June 2017. CERD [Concluding observations](#), 3 October 2016. CRC [Concluding Observation](#), 28 September 2009. CRC [Concluding Observation](#), 11 July 2016.

<sup>72</sup> CAT [Concluding Observations](#), 1 June 2017. CERD [Concluding observations](#), 16 March 2009. CERD [Concluding observations](#), 3 October 2016. RC [Concluding Observation](#), 28 September 2009. CRC [Concluding Observation](#), 11 July 2016. CEDAW [Concluding Observations](#) 1 March 2013.

<sup>73</sup> CERD [General recommendation No. 22 on article 5 of the Convention on refugees and displaced persons](#), 1996.

<sup>74</sup> CERD [General recommendation No. 30 on discrimination against non-citizens](#), 2005.

<sup>75</sup> CEDAW [General recommendation No.38 \(2020\) on trafficking in women and girls in the context of global migration](#), 20 November 2020.

<sup>76</sup> CRC [General comment No. 20 \(2016\) on the implementation of the rights of the child during adolescence](#), 6 December 2016.



for international protection.<sup>77</sup> Furthermore, it calls for age and gender-sensitive legislation to protect unaccompanied and separated refugee and asylum-seeking adolescents, prioritizing protection needs over immigration status and prohibiting immigration-related detention.<sup>78</sup> In addition, the CRC General Comment No. 6 underscores the principle of non-refoulement, asserting that States must not return a child to a country where there is a real risk of irreparable harm, as outlined in Articles 6 and 37 of the Convention.<sup>79</sup> The obligation applies regardless of whether the harm originates from non-State actors or as a result of indirect consequences, and risk assessments must be conducted in an age and gender-sensitive manner.<sup>80</sup>

3.2.3. In 2017<sup>81</sup>, the CAT advised Pakistan to “investigate allegations of police abuse against Afghans and other actions by public authorities undertaken for the purpose of coercing them to return to their country of origin, despite the real risk of torture they face, and discipline or criminally sanction those responsible for such abuse”. In 2016, CERD recommended the State Party to “take effective measures to mitigate the intensified hostility towards Afghan refugees and to protect them from violence”. It also advised to expedite a “comprehensive policy on voluntary repatriation and management of Afghan nationals”.<sup>82</sup> In 2017, the CESCR<sup>83</sup> “further recommends that the State party promptly and thoroughly investigate all alleged cases of police abuse against unregistered Afghans and bring those found guilty to justice”. Similarly, the HRC<sup>84</sup> recommended in 2017 as well to “investigate all allegations of abuse against refugees by the police and security forces, while taking all measures necessary to prevent such abuses”.

### 3.3 Registration of children

3.3.1 Article 7 of the CRC<sup>85</sup> and Article 24(2) of the ICCPR<sup>86</sup> establish the fundamental right of every child to be registered at birth. In 2016, the CRC expressed concern about the “practice of denying birth registration when parents cannot prove their citizenship”.<sup>87</sup> It recommended Pakistan to “take all necessary measures to ensure that all children born to refugees, including those who do not hold proof of registration cards, asylum seekers and stateless persons, are registered at birth”.<sup>88</sup> This echoed similar concerns and recommendations made by the CRC in its 2009 review, which highlighted that in Pakistan “more than 70 percent of the children are not registered at birth, especially girls, children belonging to a religious or minority group, refugee children, and children living in rural areas”.<sup>89</sup> The CRC had recommended the State party to “ensure the full implementation of measures taken to remove structural obstacles to birth registration, launch a mass cost-free birth registration campaign, and simplify the procedures of birth registration in order to cover all persons in the country, regardless of sex, religion, status or nationality, in accordance with article 7 of the Convention”.<sup>90</sup> Furthermore, the HRC concluded in 2017 that Pakistan “should carry out the registration of undocumented Afghan refugees as planned and also intensify its efforts to ensure that all children are registered at birth; identify children whose birth has not been registered and children without identity documents and register them; and raise awareness about the importance of birth registration”.<sup>91</sup>

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<sup>77</sup> Ibid 2016.

<sup>78</sup> Ibid 2016.

<sup>79</sup> CRC General Comment No. 6 (2005) Treatment of Unaccompanied and Separated Children, Outside their Country of Origin, 1 September 2005.

<sup>80</sup> Ibid 2005.

<sup>81</sup> CAT Concluding Observations, 1 June 2017.

<sup>82</sup> CERD Concluding observations 3 October 2016.

<sup>83</sup> CESCR concluding observations 23 June 2017.

<sup>84</sup> HRC, Concluding observations, 25 and 26 July 2017.

<sup>85</sup> Convention on the Rights of the Child 20 November 1989.

<sup>86</sup> International Covenant on Civil and Political Rights 16 December 1966.

<sup>87</sup> CRC Concluding Observation p.10, 11 July 2016.

<sup>88</sup> CRC Concluding Observation p.16, 11 July 2016.

<sup>89</sup> CRC Concluding Observation p. 11, 28 September 2009.

<sup>90</sup> CRC, Concluding Observation p. 11, 28 September 2009.

<sup>91</sup> HRC, Concluding Observation 23 August 2017.

## SECTION 4. COMMITMENTS FROM PAKISTAN

### 4.1 NYC Declaration, Global Compact on Refugees and Global Refugee Forum

4.1.1 In 2016, Pakistan, along with unanimous members of the UN General Assembly, adopted the New York Declaration for Refugees and Migrants, which reaffirms, *inter alia*, a commitment to respect the principle of non-refoulement as well as the position that "any type of return, whether voluntary or otherwise, must be consistent with (our) obligations under international human rights law" (...) "should also respect the rules of international law and must, in addition, be conducted in keeping with the best interests of children and with due process."<sup>92</sup> The Comprehensive Refugee Response Framework (CRRF) - (Annex I to the Declaration), which relates to large refugee situations, notably emphasizes the importance of receiving States, at the outset of large refugee movements and in accordance with their international obligations, taking steps to, *inter alia*, "register individually and document those seeking protection as refugees, including in the first country where they seek asylum, as quickly as possible upon their arrival" (...); to "work to ensure the immediate birth registration for all refugee children born on their territory (...)"<sup>93</sup> and, that of recognizing "that the voluntary nature of repatriation is necessary as long as refugees continue to require international protection, that is, as long as they cannot regain fully the protection of their own country".<sup>94</sup>

4.1.2 Since the establishment of the Solutions Strategy for Afghan Refugees (SSAR) in 2012, Pakistan, Iran and Afghanistan were reported to have pursued a regional strategy "aimed at creating an environment conducive to voluntary repatriation and sustainable reintegration inside Afghanistan, while also easing pressure on the host countries".<sup>95</sup> UNHCR and the three governments launched the SSAR Support Platform during the Global Refugee Forum (GRF) to "reinforce SSAR priorities, mobilize resources, and expand partnerships to promote and realize its three pillars — voluntary repatriation, sustainable reintegration, and host countries' assistance".<sup>96</sup> However, it is important to note such initiatives and efforts were designed and deployed before the fall of Kabul and collapse of the Afghan government.

4.1.3 Pakistan supported the Global compact on refugees (2018)<sup>97</sup> and has been one of the co-conveners of the first, 2019, GRF<sup>98</sup>. Despite this, Pakistan did not submit any pledges in the context of the GRFs, to address this matter and advance the objectives of the GCR.<sup>99</sup>

### 4.2 Universal Periodic Review (UPR)

4.2.1 In the context of the UPR process, Pakistan has received a number of recommendations regarding adherence to international instruments. It *noted* recommendations to accede to the

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<sup>92</sup> [New York Declaration](#) (paras 24 and 58)

<sup>93</sup> [New York Declaration](#) Annex I (paras. 5d) and f))

<sup>94</sup> [New York Declaration](#), Annex I (para.12a)

<sup>95</sup> [Outcomes of the Global Refugee Forum 2019](#) p.35

<sup>96</sup> *Ibid.* p.35.

<sup>97</sup> [A/RES/73/151 adopted on 17 December 2018](#) and to the document of [Global Compact on Refugees](#) "centred on the cardinal principle of non-refoulement" (reference to §5 of the Compact). "Reaffirms the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that 149 States are now parties to one or both instruments, encourages States not parties to consider acceding to those instruments and States parties with reservations to give consideration to withdrawing them, underlines, in particular, the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees".

<sup>98</sup> CERD, [Combined twenty-fourth to twenty-sixth periodic reports submitted by Pakistan under article 9 of the Convention](#) (paragraph 38), 10 February 2022.

<sup>99</sup> [Global Compact on Refugees Pledges and Contributions](#).

1951 Convention and its 1967 Protocol made over the years by several countries.<sup>100</sup> In the 4<sup>th</sup> Cycle (2023), it also *noted* a recommendation<sup>101</sup> to “take steps to accede to the Optional Protocol to the CAT” while it supported another recommendation<sup>102</sup> to “continue policies aimed at ensuring protection and support to refugees”. Two other recommendations (from Afghanistan) - one in 2023 to “ensure that the human rights of refugees within the territory of Pakistan are protected and the other in 2017, calling to “ensure that all refugees within the territory of Pakistan enjoy their basic human rights and are protected from arbitrary arrest, humiliation and enforced expulsion” – were also *noted* by Pakistan.<sup>103</sup>

#### 4.3 Related statements by the authorities of Pakistan

4.3.1 Although Pakistan has not ratified the 1951 Convention and its 1967 Protocol, it has stated in its dialogues with several UN Treaty Bodies that it “is dealing with Afghan refugees as per the non-refoulement principle of international law”<sup>104</sup>, this being reaffirmed in its latest State Report to the HRC under consideration.<sup>105</sup> In its 2024 Reply to the List of Issues<sup>106</sup>, Pakistan states that it “adheres to the international standards of refugee protection under customary international law”. In its report to the CAT in 2016, it indicated its “continues to fulfill its obligations with respect to Article 3 of the Convention in refraining from expelling, returning or extraditing persons to another State where they may be subject to torture” and that “the Extradition Act 1972 adheres to the principle of non-refoulement”.<sup>107</sup> Additionally, Pakistan expressed “that it has done more than the signatories of 1951 Refugee Convention and its 1967 Protocol Relating to the Status of Refugees” in its Reply to the List of Issues to the HRC in 2017”.<sup>108</sup>

4.3.2 On a number of occasions, Pakistan has also mentioned its commitments to the “voluntary repatriation of Afghan refugees” in a manner that “ensures their honour and dignity”.<sup>109</sup> This echoed in the most recent Reply to the List of Issues shared by the HRC in which Pakistan indicates it believes “it is the right time to upscale international efforts to create conditions conducive to the voluntary repatriation of Afghan refugees with honour and dignity”.<sup>110</sup>

4.3.3 The State party in both its Second Periodic State Report and in its Replies to the List of Issues to the Human Rights Committee “recognizes the registration of children at birth as a fundamental right”.<sup>111</sup> Pakistan additionally stated in 2017 that “every individual born in Pakistan, including refugee/foreigner has the right to be registered under NADRA Ordinance 2000 without any discrimination”.<sup>112</sup> In 2023, the State party report pointed out to the CRC that “the

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<sup>100</sup> Austria Recommendation 122.7 [Report of the Working Group on the Universal Periodic Review](#), 26 December 2012. Côte d'Ivoire Recommendation 46.39 [Report of the Working Group on the Universal Periodic Review](#), 31 March 2023. Estonia Recommendation 152.28 [Report of the Working Group on the Universal Periodic Review](#), 29 December 2017.

<sup>101</sup> Liechtenstein Recommendation 46.18 [Report of the Working Group on the Universal Periodic Review](#), 31 March 2023.

<sup>102</sup> Sudan Recommendation 46.339 [Report of the Working Group on the Universal Periodic Review](#), 31 March 2023.

<sup>103</sup> Afghanistan Recommendation 46.340 [Report of the Working Group on the Universal Periodic Review](#), 31 March 2023. Afghanistan Recommendation 152.287 [Report of the Working Group on the Universal Periodic Review](#), 29 December 2017.

<sup>104</sup> CAT [Second periodic report submitted by Pakistan under article 19 of the Convention, due in 2021](#) (paragraph 181), 19 December 2022. CAT [Combined twenty-fourth to twenty-sixth periodic reports submitted by Pakistan under article 9 of the Convention](#) (paragraph 140), 10 February 2022.

<sup>105</sup> HRC [Second periodic report submitted by Pakistan under article 40 of the Covenant, due in 2020\\*](#) (paragraph 135), 7 December 2022.

<sup>106</sup> Pakistan [Replies of Pakistan to the list of issues in relation to its second periodic report](#), 20 May 2024.

<sup>107</sup> CAT [Consideration of reports submitted by States parties under article 19 of the Convention - Pakistan report](#) (paragraph 70), 11 February 2016.

<sup>108</sup> HRC [Replies of Pakistan to the list of issues](#) (paragraph 95), 23 March 2017.

<sup>109</sup> HRC [Replies of Pakistan to the list of issues](#) (paragraph 94), 23 March 2017. CAT [Second periodic report submitted by Pakistan under article 19 of the Convention, due in 2021](#) (State Party report (paragraph 181), 19 December 2022.

<sup>110</sup> HRC [Replies of Pakistan to the list of issues in relation to its second periodic report](#) (paragraph 115), 20 May 2024.

<sup>111</sup> HRC [Replies of Pakistan to the list of issues](#) (paragraph 26), 23 March 2017. CCPR [Second periodic report submitted by Pakistan under article 40 of the Covenant, due in 2020\\*](#) (paragraph 44), 7 December 2022.

<sup>112</sup> HRC [Replies of Pakistan to the list of issues](#) (paragraph 26), 23 March 2017.

Government is registering all children at birth, including those born to refugees”.<sup>113</sup> In its Reply to the CRC List of Issues of 2016, Pakistan affirmed “the PoR Cards are issued by National Database and Registration Authority to all Registered Afghan refugees over 5 years of age whereas under 5 are listed on the card of mother or head of the family. PoR cards have been regularly renewed by the Government”.<sup>114</sup>

## SECTION 5. FINAL OBSERVATIONS (LIST OF ISSUES AND STATE REPLIES)

**5.1** In its List of Issues for the current review, the HRC requested from Pakistan an update on potential progress “in **developing a national refugee law** in compliance with international human rights and humanitarian standards, and whether the State party intends to ratify the Convention relating to the Status of Refugees and the Protocol thereto”.<sup>115</sup> This echoes a number of standing recommendations compiled in the present submission (see 3.1.2 & 3.1.3). Pakistan’s reply to the List of Issues does not suggest any relevant development to date in this respect, nor intent to move forward with the domestic refugee protection framework. It essentially recalls that Pakistan “is not a party to the 1951 Convention Relating to the Status of Refugees nor its 1967 Protocol” adding that, “however, it adheres to the international standards of refugee protection under customary international law”.<sup>116</sup>

**5.2** The HRC also requested Pakistan to “comment on **allegations of mass deportation** of immigrants and that the number of **citizens of Afghanistan**, including women and children, who have been arrested and deported has increased, despite the non-return advisory issued by the Office of the United Nations High Commissioner for Refugees after the Taliban takeover in August 2021<sup>117</sup>; and to submit “data, disaggregated by age, sex and country of origin, on the number of asylum-seekers, refugees and stateless persons in Pakistan and on the number of individuals among those groups who have been held in detention, including information on the duration of their detention”. In its Reply, Pakistan suggests the “recent decision regarding repatriation of illegal aliens is a regulatory measure, irrespective of nationality of these aliens, and Pakistan is well within the parameters of its sovereign domestic laws to act in this context”. It argues that “the Government’s policy envisages a phased and time-bound repatriation of all illegal foreigners residing in Pakistan. These include cases of individuals who are overstaying their visas and do not possess valid documentation, and it is not directed against any specific nationality (...)”, further stating that “the latest decision therefore pertains to illegal migrants and not refugees; these are two separate cases.”<sup>118</sup> The reply does not include specific data regarding detention, as requested.

**5.3** Regarding **detention practices** more specifically, the HRC requested, inter alia, *information on* the procedural safeguards in place to prevent arbitrary detention and to investigate such complaints, including statistical data on the number of investigations, prosecutions and convictions for such practices (...).<sup>119</sup> Pakistan’s Reply refers to the Constitution, standards set by the Supreme Court regarding detention orders and provisions regarding detention reviews.<sup>120</sup> It however does not include any data regarding investigations, prosecutions and convictions regarding potential cases of arbitrary detention. This submission stresses existing concerns about detention and deportation practices (see 2.2 and 2.3).

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<sup>113</sup> CRC Combined sixth and seventh periodic reports submitted by Pakistan under article 44 of the Convention, due in 2021, 7 February 2024.

<sup>114</sup> CRC Replies of Pakistan to the list of issues in relation to the fifth periodic report of Pakistan (paragraph 18), 11 April 2016.

<sup>115</sup> HRC List of issues in relation to the second periodic report of Pakistan (paragraph 17), 29 November 2023.

<sup>116</sup> HRC Replies of Pakistan to the list of issues in relation to its second periodic report (paragraph 112 on), 20 May 2024.

<sup>117</sup> HRC List of issues in relation to the second periodic report of Pakistan, (paragraph 17), 29 November 2023.

<sup>118</sup> HRC Replies of Pakistan to the list of issues in relation to its second periodic report (paragraph 116&117), 20 May 2024.

<sup>119</sup> HRC Replies of Pakistan to the list of issues in relation to its second periodic report (paragraph 14), 20 May 2024.

<sup>120</sup> HRC Replies of Pakistan to the list of issues in relation to its second periodic report (paragraph 92 and 93), 20 May 2024.

**5.4 Concerning children:** the HRC requested “additional information on the implementation and impact of the measures taken to ensure that all children are registered at birth, in particular children without identity documents and children who are non-nationals, including refugee, asylum-seeking and stateless children and children at risk of statelessness”.<sup>121</sup> Pakistan’s Reply generally states that “implementation of the birth certificate requirement has significantly increased child registration with union councils, cantonment boards, and Local Government and Community Development Departments” and that “the decrease in processing fees for registration has resulted in a higher number of registrations”. The Reply however does not include any specific information pertaining to refugee and asylum-seeking children, as requested.<sup>122</sup> The HRC also requested report of “on the progress made in protecting stateless persons or those who may be at risk of **statelessness**” and notably children “including progress on establishing a statelessness status determination procedure and ensuring adequate access to essential services, and indicate whether the State party intends to ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness<sup>123</sup>. The reply does offer a direct response on this matter. It indicates that “the refugees, *stateless* and aliens are treated in accordance with the provisions of the Foreigners Act, 1946”.<sup>124</sup> In more general terms, guarantees regarding respect for the **best interests** of children, whatever their administrative situation, and its case by case assessment and determination, particularly in the context of the Illegal Foreigners Repatriation Plan (IFRP) have so far not been in focus of the discussions (see also 2.3.2).

**5.5** Finally, legitimate concerns as to the genuinely “**voluntary**” character of many **returns** and of the implemented “**repatriations**” of Afghan citizens, including women and children, and with respect to related guarantees – considering the context prevailing in both Pakistan and Afghanistan (see sections 1 to 3 in particular) – have not been in focus of the HCR List of Issues nor, logically, of additional information submitted by Pakistan. The latter’s Reply argues in general terms that “it is the right time to upscale international efforts to create conditions conducive to the voluntary repatriation of Afghan refugees with honour and dignity” and that Pakistan “remains in contact with Afghan authorities and will continue to engage with them on all matters of bilateral interest, including the safe return of the refugees.”<sup>125</sup>



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<sup>121</sup> HRC List of issues in relation to the second periodic report of Pakistan,(paragraph 27), 29 November 2023.

<sup>122</sup> HRC Replies of Pakistan to the list of issues in relation to its second periodic report (paragraph 151), 20 May 2024.

<sup>123</sup> HRC List of issues in relation to the second periodic report of Pakistan,(paragraph 27), 29 November 2023.

<sup>124</sup> HRC Replies of Pakistan to the list of issues in relation to its second periodic report (paragraph 113), 20 May 2024.

<sup>125</sup> HRC List of issues in relation to the second periodic report of Pakistan,(paragraph 115 and 117), 29 November 2023.