



Reference: TG ASA 33/2023.4678
Index number: ASA 33/7362/2023

Caretaker Prime Minister Anwaar-ul-Haq Kakar
Prime Minister Office
Red Zone, Islamabad
Pakistan

28 October 2023

Dear Prime Minister

URGENT APPEAL TO REVERSE DECISION ON REPATRIATION OF REFUGEES FROM PAKISTAN

Amnesty International strongly urges the Government of Pakistan to reverse its decision on the forced deportation of unregistered Afghan refugees by 1 November 2023. Pakistan has been a generous host to the largest population of Afghan refugees in the world for 30 years, and we request that the government continues to host refugees in line with international human rights law.

Tens of thousands of Afghan refugees have been living in Pakistan for decades and consider the country to be their home. With this decision, Afghans across Pakistan are at imminent risk of being rendered homeless, losing their livelihoods, access to basic services, and being separated from others in their families in the lead up to the harsh winter months. Afghan refugees in Pakistan, particularly women and girls, would experience considerable repression of their human rights if deported to Afghanistan, including of their right to education, work, freedom of movement and more. For an overwhelming majority of Afghan women and girls, living and studying in Pakistan may be their only chance of gaining a formal education. A significant number of refugees including journalists, human rights defenders, women protestors, artists, and former government officials would also be at imminent risk of persecution and repression by the Taliban if forced to return to Afghanistan.

Amnesty International has documented serious human rights violations by the Taliban in Afghanistan, including torture and other ill-treatment, arbitrary detentions, enforced disappearances, and killings. Afghanistan is also currently recovering from a devastating earthquake in Herat province resulting in the deaths of approximately 2,400 people.

Amnesty International has previously documented the harassment meted out to Afghan refugees in Pakistan. In the last 12 months, Amnesty has also sent correspondence to your government to raise concerns regarding the delays in registration, harassment and discrimination faced by Afghan refugees in the country. Since the deadline was announced on 3 October, the arrests, detention and harassment of Afghan refugees have intensified. There have been several reports of indiscriminate arrests across the country, including multiple instances of registered refugees being detained under the Foreigners Act, 1946. The Act, criminalizing anyone entering Pakistan "illegally", is being applied to refugees in violation of international human rights. Detention centres are reportedly being set up, according to major media outlets quoting officials for regional governments, with little transparency or clarity on access to lawyers or possible appeal of the reasons for detention. In Islamabad, at least two settlements were destroyed by the Capital Development Authority (CDA), and there have been instances of businesses owned by Afghans being demolished by the local administration in Peshawar.

Afghan refugees in Pakistan have already been in a precarious situation as the country lacks any national legislation regulating access to refugee status and is not a member state to the 1951 Convention Relating to the Status of Refugees. Procedures for applying for and renewing Proof of Registration (PoR) with the UN Refugee Agency (UNCHR) or government-issued Afghan Citizen Cards (ACC) are rife with significant delays, which has meant that refugees are unable to access the basic rights that are subordinated to holding these documents, such as access to healthcare, education and livelihood.

Further, many Afghans who fled Afghanistan fearing for their safety after the 2021 Taliban takeover entered with valid visas that have since expired. They have been prevented from renewing them as the renewal process requires re-entering Afghanistan—a dangerous and untenable option for many Afghans in Pakistan. Thus, Afghans in Pakistan have been in a state of limbo without pathways to regularize their stay. This is now being used as the reason for their deportation.

While Amnesty International welcomes the Pakistan government's recently issued instructions through a notification dated 10 October 2023 assuring individuals with a valid PoR and ACC that they will not be subjected to forced returns, it still believes that it is vital that no deportations of refugees to Afghanistan occur. This is especially true because bureaucratic delays and hurdles in obtaining and renewing registration have led to many Afghan refugees, who should by now hold these documents legitimizing their stay, to nevertheless be subject to deportation.

Amnesty International urges the government of Pakistan to:

- Immediately reverse its decision to forcibly deport refugees in line with its international legal obligations including the principle of non-refoulement.
- Stop the crackdown against, and harassment of, Afghan refugees.
- Fulfil its international law obligations under customary international law, and as a state bound by the International Convention on Civil and Political Rights, 1966 (ICCPR) and the Convention Against Torture, 1984 (CAT) by respecting the absolute prohibition to return anyone, including Afghan refugees, to a country where they would be at real risk of being subjected to torture or other serious human rights violation.
- Ratify the 1951 Refugees Convention and its 1967 Protocol and develop a national legal framework to regulate access to refugee status in line with international refugee law.

Amnesty International urges the government of Pakistan to reverse its decision and continue its historic support for Afghan refugees by enabling them to live with dignity and free from the fear of being returned to Afghanistan where they will be at risk of a range of human rights violations. Amnesty International is also calling on the international community to financially support Pakistan for hosting Afghan refugees, and to provide protection to those fleeing persecution in Afghanistan.

Sincerely,

Deprese Muchena
Senior Director, Regional Human Rights Impact
Amnesty International

CC: Ministry of Foreign Affairs
Ministry of Interior