

UNHCR Pakistan Monthly Protection Trends Reporting February 2017

Repatriation increased dramatically in 2016 for a myriad of reasons, including positive pull factors and some negative push factors which led to questions related to the voluntariness of return. In order to more systematically monitor these factors and provide a clear objective analysis of the situation, UNHCR Pakistan is compiling this monthly note to be shared with the Government of Pakistan and the international community in order to inform key stakeholders of emerging trends and to raise formally and consistently any protection concerns that may arise.

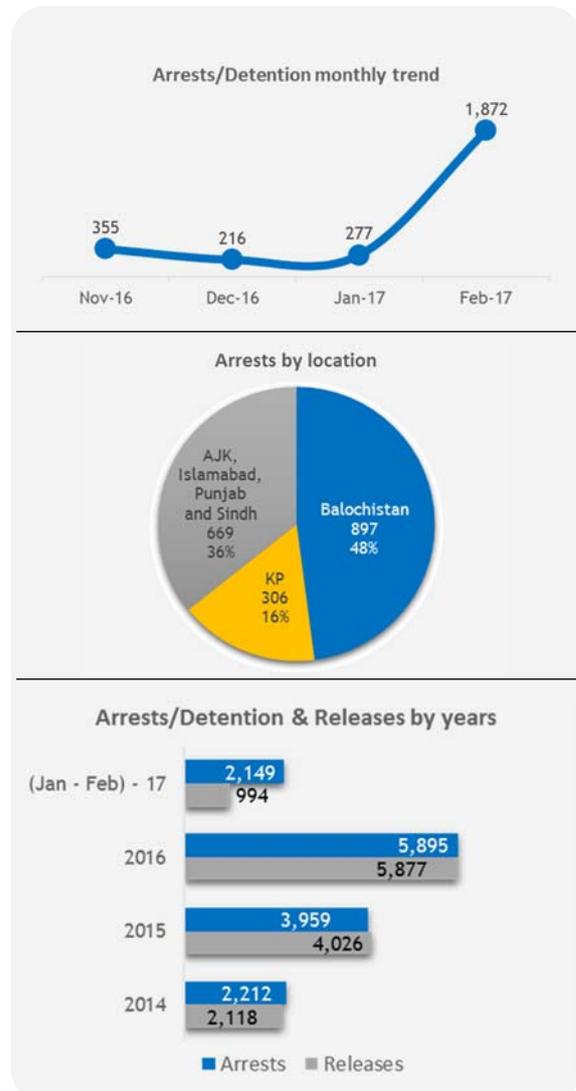
Analysis of Trends

In February, a series of terrorist incidents resulted in the death of at least 130 people. This led to an increase in security operations across the country and the closure of Pakistan-Afghan border. Heightened security measures by Law Enforcing Agencies (LEAs) led to an increase in documentation checks and arrests of undocumented Afghans as well as Afghan refugees – with over 1,872 arrests of refugees and asylum-seekers in February. Only 277 arrests and detentions were reported in January. In February arrest and detentions countrywide were the highest for any monthly period in the last two years (almost seven times higher than the previous month) owing to the intensified security operations (named Operation “*Radd ul-Fasaad*”) initiated by the Government of Pakistan under the National Action Plan against Terrorism (NAP). While the security operations are said to also target the local Pakistani population and/or affect more Pakistanis than Afghans, no specific data is currently available on the number of arrests being made. In Punjab, a large number of Afghans were arrested in Rahim Yar Khan district, including women and children. With UNHCR’s intervention, the Court granted bail to fraction but arranging sureties for the refugees remained a challenge. POR cardholders remained in detention pending PoR card verification by NADRA.

According to the findings of a pre-return rapid survey only 20 per cent of respondents mentioned that they have plans to return to Afghanistan and out of the 20 per cent, 4 per cent mentioned that they felt pressure to return (i.e. extortion/harassment, threats of arrest and detention,

uncertainty in regard to PoR card extension).

According to IOM update on undocumented Afghan returnees from Pakistan, the main push factors were, lack of documentation, lack of economic opportunities and fear of deportation.¹



¹ Data Source: Flow monitoring of undocumented Afghan returnees from Pakistan (IOM Update | February 2017)

Summary of Events

1. Arrests & Detention

During the month, UNHCR and its partners intervened at police stations for 2,149 arrested or detained persons of concern. In the majority of all cases, UNHCR and its partners managed to obtain the release of the arrested refugees before the official lodging of charges against them which resulted in their release from detention within 24 hours.

Following a roadside IED bomb blast on Peshawar-Charsadda Road near Naguman RV, the (Daudzai) police and army conducted a joint search operation in the whole area that evening - also including both Naguman and Hajizai RVs. Some 30 suspects including 10 Afghan refugees of Naguman RV were arrested. The suspects were charged under different Criminal Code and Procedures Act (CRPC) sections by the police. Through ALAC team intervention, all the refugees were released the next day.

2. Evictions/ Eviction Notices

The Field team visited Baghicha RV and met with both the refugees and CAR staff. They were informed that an alternate route had been mapped for the construction of Swat Expressway which would not affect any resident or house in RV Baghicha as previously announced.

In Punjab, Afghans faced problems under the which requires the tenants to be registered with local law enforcing authorities. Home owners subject to the law were reluctant to rent their property to the Afghan nationals. Some landlords cancelled the lease agreements. Due to a technical glitch , registered Afghan POR cardholders faced problems.

Refugees living in *Nurpur* Village in Attock were asked to immediately leave the area which is 3 km from the Kamra Air Base and against which a serious security threat was received. According to the District Police Officer (DPO) Attock, Afghans had been repeatedly asked to move to a non- prohibited area. On 7th February 2017, the community representative informed UNHCR and ALAC partner that they have received verbal notice by police to vacate the area within 24 hours.

The ALAC team advocated with the DPO to consider sufficient time to find a solution. *The* ALAC team communicated to the refugee community; they agreed to move to a non-prohibited place in Attock. ALAC lawyers assisted the families in registration with the concerned police station police station. UNHCR distributed 144 family tents among 93 families to help them in reconstructing their houses at new site.

3. Media/ Public Statements of Political or Government Officials

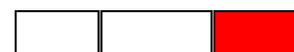
Impact Level for Refugees & Asylum Seekers

 Low  Medium  High

The Federal Cabinet has unilaterally approved a comprehensive repatriation and management policy for Afghan refugees without waiting for crucial input from key stakeholders, including provincial governments, defense and interior ministries. (Tribune 9 Feb) - <https://tribune.com.pk/story/1321206/repatriation-policy-endorsed-without-key-input/>



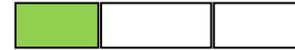
The Sindh National Tehrik has warned that if four million Afghans living in Sindh were counted in the national census then the Sindhi speaking people would not accept the results. (Daily Times 9 Feb) - <http://dailytimes.com.pk/pakistan/09-Feb-17/four-million-afghan-nationals-in-sindh>



In a scathing indictment of Pakistan's treatment of Afghan refugees, a human rights group charged Monday that the country is forcing hundreds of thousands of Afghan refugees back to their homeland, which is still beset by war and crushing poverty. It also said that a \$400 stipend the United Nations refugee agency gives to refugees who return to Afghanistan is tantamount to a bribe to convince reluctant Afghans to leave Pakistan. (The Nation 13 Feb) - <http://nation.com.pk/national/13-Feb-2017/pakistan-forcing-thousands-of-afghan-refugees-back-to-their-homeland-hrw>



Pakistan's Ministry of Foreign Affairs refuted the allegations in the Human Rights Watch report. "The report lacks objectivity. The assertions made therein are misplaced and removed from facts and realities on ground. Exaggerated contentions and baseless allegations of coercion are particularly disappointing and irresponsible, being counter-productive to the objective of harmony and goodwill between the refugees and the host communities as well as the shared goal of dignified voluntary returns". (MOFA Press release) - <http://www.mofa.gov.pk/pr-details.php?mm=Ndc2NQ>



Afghan Ambassador to Pakistan, in press interaction during the tripartite meeting dismissed the HRW allegations of forced repatriation. He informed the journalists that the Afghan government is encouraging the return of Afghans and is working the Pakistani government and the international community for the dignified and voluntary repatriation of Afghans.

Hundreds of Afghan families have been displaced due to cross-border shelling by Pakistani troops over the past few days, an international aid group says. The shelling was carried out in Nangarhar province and was in retaliation to a huge explosion killed scores of people in Pakistan's southern province of Sindh. Pakistani authorities say terrorists infiltrate from Afghanistan into Pakistan through the border crossings. (Press TV, 20 Feb) - <http://presstv.ir/Detail/2017/02/20/511354/Pakistan-Afghanistan-NRC-Kate-ORourke-Nangarhar-Daesh>



Summary of significant actions to counter push factors

On 7 February, the Cabinet approved a comprehensive set of recommendations that include the extension of the validity of the Proof of Registration Cards (PoR) cards for over 1.3 million registered Afghans until the end of 2017 and the extension of the Tripartite Agreement on voluntary returns, adoption of a national policy relating to the management of Afghan refugees and Afghan nationals in Pakistan, which commits to 1) adoption of a comprehensive National Refugee law; 2) includes plans for registration of undocumented Afghans in consultation with the MoI, 3) provides for a flexible visa regime for different categories of Afghan refugees (students, business/ people traders, skilled/ unskilled labor, inter-marriages and health workers) and 4) calls for improved and regulated border management regime. UNHCR will closely work with GoP on the implementation of the policy and will share its expertise.

The 28th Tripartite Commission meeting, hosted by the Government of Pakistan, took place in Islamabad on 15 February 2017. All parties noted the complex and varied drivers that resulted in the exponential returns of more than 621,000 Afghans (371,000 registered Afghan refugees and 250,000 undocumented Afghans, particularly, in the second half of 2016) to Afghanistan and committed to continued close coordination between the two Governments to address these challenges.

UNHCR and partners proactively disseminated the official notification issued by the Ministry of SAFRON on 24 February 2017, regarding the Federal Cabinet decision to extend the validity of the POR card – which provide proof of legal stay for registered Afghan refugees – until the end 2017 and have taken proactive measures to mitigate the current spike in arrests and detentions. The notification was also translated into Urdu for ease of law enforcement agencies' understanding and validated by SAFRON.

A Friends of SSAR (FOSSAR) meeting hosted by the British Ambassador was held on 7 February 2017. SAFRON Secretary Arbab, Afghan Ambassador Dr. Zakhilwal and UNHCR's Representative presented updates of the situation of Afghan refugees and returnees.

UNHCR/ALAC teams sensitized law enforcement agencies, police, and refugee community about refugee rights and their legal status in Pakistan through meetings, mass information and campaigns. UNHCR liaised with Commissioner Afghan Refugees to ensure the relevant provincial Home Department is updated on the ongoing issues and policies with regards to the Afghan refugees. Monthly arrest/detention information was shared with the home departments through the office of CAR-Punjab and ARRC- Sindh. UNHCR and ALAC operate a free helpline service seven days a week for PoCs to report and receive information on related matters.