

Refugees

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Universal Declaration of Human Rights

Article 1

With over 100,000 Afghan refugees repatriated to Afghanistan under the UNHCR programme during the year, the refugee population fell to its lowest level in over a decade.

As refugee camps were closed down, and refugees in many cases shifted to camps near the Pak-Afghan border, it was estimated by the Pakistan government in May that 1.9 million registered and around 1.5 million unregistered refugees remained in the country. Over two million Afghans had been repatriated since the UNHCR initiated its programme in 2002. Refugees remaining in the country participated widely in the Afghan election in October, with 590,000 balloting under the UNHCR and International Organisation for Migration (IOM) programme to organise voting for refugees.

The conditions in which refugees in the country lived however deteriorated, amid a decline in funds available to the UNHCR and the Pakistan government's efforts to ensure refugees returned as rapidly as possible. Those left behind often constituted the most destitute among the refugee population, who feared that even with UNHCR aid, they lacked the means to return home. Others were unwilling to return because of the unsafe ethnic and economic situation inside Afghanistan.

Even as Afghan refugees left in large numbers, the issue of people displaced

internally appeared to expand, mainly as a result of new development projects. Unrest in the South Waziristan agency led to local people fleeing their homes, displaced persons in Kashmir continued to face difficulties, while the issue of Biharis in Bangladesh, who claimed Pakistani citizenship, persisted.

Repatriation of Afghans and related problems

The reduction in funds available to the UNHCR to repatriate refugees and assist those still in the country remained the most serious handicap to its voluntary repatriation programme during the year. The threat of violence to the staff and offices of foreign organisations working in the country posed additional problems.

In January, the UNHCR laid off 160 staff members, including many Pakistanis and Afghans, amid protests from workers. Jack Redden, spokesman for the UNHCR in the country, maintained the UNHCR budget had been further reduced by 25 percent the previous year, necessitating the staff cuts. 172 employees were also dismissed by the Pakistan government from the Afghan Commissionerate a few days later, as the UNHCR was unable to continue funding. The UNHCR announced in February it was reducing the scale of operations in Pakistan.

In March, the UNHCR resumed the process of repatriation, suspended in November 2003 after a staff worker was killed in Ghazi, in Afghanistan. Under the UNHCR programme, 100,000 refugees had been repatriated by May 2004 – with cash assistance given to returning families. The threat of attacks by suicide bombers brought UNHCR operations in Balochistan to a halt in June, but repatriation continued in the NWFP. Refugees based in Karachi, Hyderabad, Lahore and other cities also in many cases volunteered to return to Afghanistan.

The UNHCR High Commissioner, Ruud Lubbers, who visited Pakistan in May, pledged to repatriate a further 200,000 Afghan refugees before the end of the year. Considerable pressure was exerted on the UNHCR by the Pakistan authorities to maximise repatriations – and even though the UNHCR maintained it would not use coercion or force, there were reports refugees were being pressurised to return.

A team from HRCP's Afghan Desk, which visited the voluntary repatriation centre at Peshawar in March, found inadequate facilities, confusion about the verification process for returning refugees and long delays created considerable difficulties for returning families.

In January, apparently under pressure from the government in Kabul, the Pakistan government decided to shift all refugee camps in tribal areas closer to the Pak-Afghan border. There had been concern from the Afghan government about fighters linked to the former Taliban staging attacks from these camps. The UNHCR expressed concern about the difficulties inflicted on Afghans by this displacement from camps.

The UNHCR found after a survey at the Shalman camp in the Khyber Agency that nearly 53 percent of the 10,000 refugees based there wished to stay on in Pakistan. Many who chose to stay were ethnic Pushtoons, and feared for their safety in Afghanistan. The refugees staying on were shifted to Kotkai Camp in

the Bajaur Agency, and the Shalman camp was closed down. The UNHCR announced plans to close eight camps by the end of 2004, including the Shamshatu Camp near Peshawar, four camps in the Kurram Agency and three in the Bajaur Agency.

The Pakistan government meanwhile insisted in April that refugees in Islamabad must move to other camps. During HRCF fact-findings to assess the situation at the only refugee camp in the federal capital, refugees complained that the forced shifting to other cities would lead to their losing jobs,



The long journey home begins.

businesses and schooling for their children. HRCF held a seminar on the situation of these refugees in May, and continued to closely monitor the situation. Authorities however remained adamant the refugees must shift.

The UNHCR, in February, was also asked by a UN field team to improve the quality of healthcare information and service provision to refugees. Newspaper reports in June meanwhile suggested that the over 23,000 refugees based at the Shamshatu camp near Peshawar faced acute water and food shortages, as a result of the decline in UNHCR spending and dwindling international concern.

In March, the Pakistan government announced it was setting up an 'emergency' camp at Tarik to accommodate Afghan refugees fleeing from the South Waziristan area, after the military operation against militants.

Tension between local Khattaks and Afghan refugees in Kot Chandu, near Mianwali, in January – following the rape of a minor girl allegedly by refugees – also led to problems for refugees in the area. In April, the Peshawar city district nazim, Azan Afridi, asked the federal government to restrict refugees to their camps, citing unspecified security concerns.

A visiting delegation of Afghan officials in June meanwhile assured the refugees of safety, and stated they had proposed to the Afghan government that a home be provided to each returning refugee, in recognition of the acute financial difficulties many faced after their return. Voting rights to refugees were granted by the Kabul government in July, and over 738,000 registered to cast ballots under programmed run by the UNHCR and the Geneva-based IOM. Polling booths were set up for the October 9 election in Peshawar and other areas with a high refugee population, with 590,000 voting, despite security concerns.

The UNHCR was forced to temporarily close offices at Quetta during the

year after security threats. In October, it also shut down its office in Peshawar after a bomb threat.

Kashmiri refugees

At least 20,000 Kashmiris who had over the past decade fled fighting in Indian Held Kashmir were living in camps in Azad Kashmir. Nearly 800 were at the Mainikpan-I camp near Muzaffarabad, and others at the 14 camps scattered across Azad Kashmir. Nearly 30,000 other Kashmiri refugees were thought to be living with relatives in the Azad Jammu and Kashmir area.

An HRCP mission, which visited Azad Kashmir in July, found many Kashmiri families in Azad Kashmir had been displaced as a result of shelling during previous months along the Line of Control (LoC), dividing Kashmir between India and Pakistan. Though the easing of the fighting, as Pakistan and India entered into dialogue early in the year, brought some relief to Kashmiris on both sides of the LoC, and led to a reduction in the number of Kashmiris crossing over from Indian-controlled Kashmir, the conditions of displaced people and refugees remained grim. Facilities at camps were inadequate, and funds to assist the Kashmiris scarce.

Other refugees and aliens

The National Authority for the Registration of Aliens (NARA) efforts to register foreign nationals in the country came amid a climate in which dozens of foreign nationals were arrested and forcibly deported, as part of what authorities claimed was an effort to eradicate terrorism. As a result many foreign nationals were unwilling to register voluntarily. Lack of trust in NARA, and other government bodies, and the threatening tone adopted in newspaper advertisements by NARA exacerbated this problem.

The campaign against foreigners was at times also extended to those legitimately pursuing work or studies. In June, a Palestinian student, Nidal Omar, who had been granted admission to the Punjab University (PU) to pursue a B.Sc degree, but then expelled, on the grounds that he did not hold a first division in earlier courses of study, was permitted by the Lahore High Court (LHC) to resume his education. The student pointed out in his petition that he had already been granted admission, and the requirement of holding a first division was not mentioned in university rules.

In July, during raids in Lahore and Faisalabad, 155 foreign nationals were held, most of them Afghans. Others were African or Arab nationals. While police maintained the operation targeted aliens linked to extremist groups, it was believed only a handful of those held were suspected of terrorism. The foreigners were booked under the Foreigners Act, on charges of not having valid documents. Over 170 Africans were rounded up in similar action in August. A large number remained in detention even into November, amid confusion over deportation arrangements. *[See also chapter on jails and prisoners].*

Controversy continued to surround those of Bengali and Bihari ethnicity in the country, most of them based in and around Karachi. These persons had

settled in the area well before the creation of Bangladesh after the civil war of 1971. However, in February, the Muttahida Qaumi Movement (MQM) complained that Biharis and Bengalis in Orangi, and other areas of Karachi, were not being issued new, computerised national identity cards, and were instead being told to register as aliens. The MQM also complained the cards had in some cases been snatched away from Bengalis and Biharis, apparently only on the basis of their ethnicity.

Repatriation of Biharis

The question of the future of the nearly 300,000 people in Bangladesh, who called themselves Biharis, and claimed Pakistani citizenship under the Citizenship Act, maintaining they were Pakistani nationals till 1971, continued. Hearings on a petition seeking the repatriation of the Biharis began before a Division Bench of the LHC in January. The court was hearing an appeal against a previous verdict by the court in 1998, in which the petition had been dismissed.

Representatives of the Pakistan government told the court that the Biharis were likely to get Bangladeshi nationality. The Dhaka High Court had in May 2003 allowed voting rights to 10 'Pakistanis' who had moved a petition, giving new hope to the remaining 300,000 Biharis that they would be accepted as citizens. The matter however remained pending in Bangladesh. The LHC continued hearings, with the petition still undecided into October.

Internally displaced persons

Even as the number of Afghan refugees in the country declined, the number of people facing displacement or threatened by it, mainly as a result of development projects, grew.

The National Assembly was informed in March up to 44,000 people would be displaced in AJK by a project to raise the height of the Mangla Dam. The government maintained that under a compensation package, a new city near Mirpur and four new towns were being built for these affectees, and that cash would also be offered.

The Chotiari Dam project in the Makhi area of Sanghar district in Sindh meanwhile continued to threaten at least 6,000 people with displacement while development projects in the Gwadar area threatened 70,000. According to its report on a fact-finding Mission to Balochistan by the HRCP, released during the year, the development work at Gwadar and the failure to build a consensus on issues, was of huge concern to local people. There were also fears of further displacement as proposals for new dams near Attock and along rivers running through the NWFP were tabled by the federal government.

The issue of compensation for those affected by the building of the Mangla Dam nearly four decades ago, and the Tarbela Dam in the 1970s was not unresolved. In February, the federal government asked WAPDA to compensate the 500 affectees of the Mangla Dam project, while nearly 8,000 displaced by the

Tarbela Dam, based in the Haripur area, continued to demand compensation.

In March, Waziri tribesmen displaced by the military action in the South Waziristan area to hunt for alleged militants, approached the UNHCR for help. The UNHCR declined to extend aid, but suggested this was an issue for the Pakistan government to take up.

Tribal clashes between the Mazari and Bugti tribes, in areas along the Punjab-Balochistan border in the southern Punjab, and between the Almani and Mahar tribes in Ghotki in Sindh also led to the displacement of families. [*See also chapter on women*].

Recommendations

1. *Afghan refugees still in the country must not be pushed into an unsafe situation or repatriation forced on those unwilling to return because of the possible dangers they face as a result of devastation caused by war or drought. The concerns of refugees who fear ill-treatment due to ethnic, religious or ideological factors must be fully respected.*

2. *Pakistan must adhere to international instruments in its treatment of refugees and adopt appropriate legislation about them. Humanitarian concerns must be placed upper-most on the agenda when devising policies for refugees.*

3. *The essential needs of refugees still housed at camps, including the provision of adequate food, water, health care and shelter, must be met. The grim conditions prevailing at camps as UNHCR funds dwindle, present a threat to refugees housed there, who often include the poorest and most vulnerable. Refugees must not be forced out of cities and camps in which refugees are still living must not be demolished..*

4. *Refugees must not be made to pay the penalty for the poor security situation on the Pak-Afghan border. The suffering caused to refugees based at border camps either due to skirmishes at the frontier or manhunts aimed to capture militants during which they have been victimised only adds to their difficulties.*

5. *Pakistani border guards or government officials found guilty of harassing refugees attempting to return, extracting bribes from them or conniving in the re-entry of returned Afghans into the country to collect aid must be penalised under relevant laws.*

6. *Pressure on the international community to safeguard the welfare of refugees must be maintained, so there is no increase in their suffering as a result of declining levels of aid and support.*

7. *The flow of aid to refugees must be so organised as to ensure it is transparent and efficient, to avoid a repetition of past experiences.*

8. *The arbitrary arrest of Afghan nationals, the harassment of refugees by police or other forces and their forcible return across the border without court*

orders must be stopped.

9. Steps must be taken to streamline the procedure for the grant of visas to Afghans and Pakistanis seeking to cross the border. Grave difficulties have been caused because of the problems being faced in obtaining visas for nationals of both countries.

10. Measures to regulate and register aliens must be undertaken by seeking their cooperation and eliciting their trust, so that such persons come forward voluntarily. The threat of coercive action has so far prevented many from registering themselves.

11. Foreign nationals, including Afghans, working in the country need to be brought within the tax net and their status regulated as required. The working of the Aliens Registration Authority and the departments granting identity documents to Pakistani nationals need to be streamlined. The arrest of hundreds of aliens, under guise of anti-terror efforts, is unjustifiable.

12. Refugees from Kashmir require greater attention, the recognition of their status as refugees and an improvement in the conditions at camps where they live.

13. Bengali-speakers living mainly in and around Karachi and settled in the area before 1971 need to be granted nationality so that their status is clear. They cannot be treated as foreigners simply on the basis of the language they speak.

14. The concerns of the increasing number of people displaced within the country need to be addressed. A survey is required to assess the precise numbers of those displaced by development schemes or natural disasters so that a strategy to rehabilitate them can be finalised. Those displaced as a result of the construction of water reservoirs, must be adequately compensated and provided with alternative places of residence and development projects initiated only after the building of a consensus including local communities.

15. Pakistan needs to sign the UN convention on refugees.