Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**1748**
Land:	Afghanistan
Kilde:	Afghanistan Media Support Organisation (AMSO) og World Organisation Against Torture (OMCT)
Titel:	Afghan Nationals in Pakistan (2023–2026): Arbitrary Detention, Ill-Treatment, Immigration, Confinement, and Risks of Refoulement
Udgivet:	13. marts 2026
Optaget på baggrundsmaterialet:	21. august 2026

Afghan Nationals in Pakistan (2023–2026): Arbitrary Detention, Ill-Treatment, Immigration Confinement, and Risks of Refoulement

Submission to the United Nations Committee Against Torture
in Advance of its Review of Pakistan

Prepared by
Afghanistan Media Support Organisation (AMSO)

In collaboration with
World Organisation Against Torture (OMCT)

13 March 2026

LIST OF ACRONYMS

ACC	Afghan Citizen Card
AMSO	Afghanistan Media Support Organisation
CAT	Committee against Torture
CAT Convention	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
CPJ	Committee to Protect Journalists
EUAA	European Union Agency for Asylum
GC	General Comment
HRCP	Human Rights Commission of Pakistan
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Commission of Jurists
IDI	In-Depth Interview
IFRP	Illegal Foreigners' Repatriation Plan
IOM	International Organization for Migration
MoI	Ministry of Interior (Pakistan)
NCHR	National Commission for Human Rights (Pakistan)
Nelson Mandela Rules	United Nations Standard Minimum Rules for the Treatment of Prisoners
NPM	National Preventive Mechanism
OPCAT	Optional Protocol to the Convention against Torture
PoR	Proof of Registration (Card)
RSF	Reporters Without Borders
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNCAT	United Nations Convention against Torture
UNHCR	United Nations High Commissioner for Refugees

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1. EXECUTIVE SUMMARY

This alternative report is submitted by the Afghanistan Media Support Organisation (AMSO) and the World Organisation Against Torture (OMCT) in support of the review of Pakistan by the United Nations Committee Against Torture. It documents patterns of arrest, detention, ill-treatment, and deportation affecting Afghan nationals in Pakistan between 2022 and early 2026. The findings are based on a survey of 41 Afghan nationals (58.5% men and 41.5% women) that included HRDs, journalists, and women rights activists, six in-depth interviews, and corroborating secondary sources, including United Nations (UN) documentation, media reporting, and civil society analysis.

The evidence collected reveals a consistent pattern of enforcement practices that extend beyond administrative immigration control and raise serious concerns under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other international human rights standards. While Pakistan retains sovereign authority to regulate migration, the implementation of enforcement measures during the 2023–2026 period demonstrates recurrent deficiencies in safeguards against arbitrary detention, ill-treatment, and refoulement.

Our survey data indicates that 68.29% of respondents reported having been arrested or detained during the enforcement period. Among those detained, 72.4% were held for more than 48 hours without being brought before a judicial authority. More than half reported physical abuse (58.5%), and three-quarters reported psychological abuse (75.6%). Conditions of detention were frequently described as overcrowded (63.4%) and unsanitary (53.7%), and nearly half of detainees reported denial of communication with family members while detained (46.3%). A total of 96.4% of detainees reported experiencing multiple forms of abuse while in custody. These findings are reinforced by detailed testimonial evidence documenting arrests without clear legal basis, limited information regarding grounds for detention, access to legal counsel, and the absence of individualized review.

The report further documents coercive elements in deportation practices. Interviewees consistently described deportation decisions made without individualized risk assessment, including in cases involving journalists and media workers who articulated specific fears of persecution or ill-treatment upon return to Afghanistan. Testimonies indicate that return was at times framed as voluntary but occurred in circumstances marked by detention, uncertainty, and psychological pressure. When assessed against the documented human rights environment in Afghanistan and the procedural requirements under Article 3 of the Convention against Torture, these practices raise serious concerns regarding compliance with the principle of non-refoulement.

The documentation also identifies structural barriers to remedies and accountability. Respondents described limited avenues to file complaints, fear of retaliation, and a perception that raising concerns could accelerate deportation. The absence of effective complaint mechanisms and accessible rehabilitation services exacerbates the impact of violations and increases vulnerability to recurrence.

2. INTRODUCTION

This report documents patterns of arrest, detention, ill-treatment, and deportation affecting Afghan nationals in Pakistan between 2022 and early 2026. It is submitted in support of the review of Pakistan under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT Convention).

Pakistan acceded to the CAT Convention in 2010 and is therefore legally obligated to prevent torture and other cruel, inhuman or degrading treatment or punishment in all territories under its jurisdiction. These obligations extend beyond the prohibition of torture itself. They include the duty to take effective preventive measures, to ensure that all allegations of torture and ill-treatment are investigated promptly and impartially, and to provide effective remedies, including redress and rehabilitation, to victims. Pakistan is also a State Party to the International Covenant on Civil and Political Rights (ICCPR), which guarantees protection against arbitrary arrest and detention and reaffirms the absolute prohibition of torture and ill-treatment.

The situation of Afghan nationals in Pakistan must be assessed within this binding legal framework. Pakistan has hosted Afghan refugees for more than four decades, including successive waves of individuals fleeing conflict, insecurity, and persecution. However, despite this protracted displacement context, Pakistan has not enacted a comprehensive national refugee law. Afghan nationals are primarily regulated under the Foreigners Act 1946 and related administrative instruments,[1] resulting in a protection environment grounded in general immigration control rather than dedicated refugee protection safeguards. This legislative architecture grants broad discretionary powers to enforcement authorities, with limited statutory procedural guarantees.

Since late 2023, the Government of Pakistan has implemented the "Illegal Foreigners' Repatriation Plan" (IFRP), leading to intensified enforcement actions targeting undocumented foreign nationals, including Afghan refugees and asylum seekers.[2] United Nations agencies, including the United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM), as well as independent media reporting, have documented a marked increase in arrests, detention, and deportation of Afghan nationals since 2023.[3] These developments raise pressing questions regarding the implementation of Pakistan's obligations under the CAT, particularly the prohibition of torture and ill-treatment, safeguards against arbitrary detention, and the principle of non-refoulement under Article 3.

This report examines how these developments have translated into enforcement practices on the ground. Drawing upon primary documentation and corroborated

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[1] Government of Pakistan, Foreigners Act 1946 (Act No. XXXI of 1946), available at: https://punjabcode.punjab.gov.pk/uploads/articles/THE_FOREIGNERS_ACT%2C_1946.pdf.

[2] Government of Pakistan, Ministry of Interior, announcement of the "Illegal Foreigners' Repatriation Plan" (IFRP), October 2023; see also European Union Agency for Asylum (EUAA), COI Query Response: Pakistan – "Illegal Foreigners' Repatriation Plan," December 2023, available at: https://www.ecoi.net

[3] UNHCR and IOM, "Pakistan Flash Update on Arrests, Detention and Returns," latest available update (2026); see also Dawn, "Arrest, detention of Afghans increase 18pc in Jan: UN IOM," available at: https://www.dawn.com/news/1967425/arrest-detention-of-afghans-increase-18pc-in-jan-un-iom.

secondary sources, it assesses whether the patterns documented are consistent with Pakistan's obligations under the CAT Convention.

3. METHODOLOGY

The findings presented in this report are based on primary research conducted by the Afghanistan Media Support Organization (AMSO) using a mixed-methods approach combining quantitative and qualitative data collection. The survey component included 41 respondents who were journalists, human rights defenders, women rights activists, and community leaders of whom 58.5 per cent were male and 41.5 per cent were female. Out of these 41 respondents, 39 of them were based in Pakistan, 1 in Afghanistan, and 1 in France at the time of data collection. The interviewees who were based in Afghanistan and France respectively, have previously lived in Pakistan. This demographic distribution reflects the composition of individuals accessible through the study's recruitment networks during the documentation period.

In addition to the survey, six in-depth interviews were conducted with Afghan nationals who reported direct experiences of arrest, detention, or deportation between 2023 and early 2026. The interviews were selected purposively from individuals affected by enforcement measures during the documented period. While several interviewees also participated in the survey, the qualitative component was designed to provide detailed narrative accounts rather than to serve as a statistically representative subset of the survey sample. The survey and interview datasets were analysed independently and subsequently triangulated during the findings stage in order to enhance internal consistency and evidentiary reliability.

The qualitative interviews provide contextual depth to the patterns identified through the survey. They offer detailed accounts of arrest procedures, detention conditions, alleged ill-treatment, deportation practices, and the broader social and psychological consequences of enforcement actions on individuals and their families. The integration of structured survey responses with testimonial evidence enables cross-verification of findings and strengthens the credibility of documented patterns.

All survey responses were anonymized during consolidation. Duplicate entries were identified and removed through systematic review. Data cleaning decisions were recorded in a documented audit log to ensure transparency and traceability. Derived indicators, including detention-linked abuse and multiple forms of ill-treatment, were calculated using standardized formulas and verified for internal consistency across datasets.

Interview transcripts were anonymized and coded using a structured qualitative codebook aligned with international legal standards. Coding categories included arbitrary detention, physical violence, psychological abuse, confiscation of property, extortion, detention conditions, deportation procedures, and access to remedies. The coding process was consolidated into a master matrix and thematic pattern summary to ensure coherence across cases and reduce interpretive bias.

The documentation methodology was informed by internationally recognised standards, including the Istanbul Protocol on the effective investigation and documentation of torture[9] and OMCT's guidance on investigating and documenting torture remotely.[4] These standards emphasise methodological rigour, victim protection, and careful corroboration of allegations.

Given the vulnerability of the population concerned, strict confidentiality safeguards were applied throughout the research process. Participation in both the survey and interviews was voluntary. Respondents were informed of the purpose of the research and their right to decline participation or withdraw at any stage. No identifying information is disclosed in this report, and interview excerpts are attributed only to neutral identifiers (e.g., "IDI-03").

The research was conducted in accordance with the principle of minimising harm, recognising the potential risks of reprisals, stigma, and psychological distress associated with documentation of detention and deportation experiences.

The survey sample (N=41) and interview sample (N=6) are not statistically representative of the entire Afghan population in Pakistan. The findings therefore do not constitute nationwide prevalence estimates. However, the consistency of reported experiences across independent respondents indicates recurring patterns. Where appropriate, these findings are contextualised with secondary sources, including reporting by United Nations agencies, national human rights institutions, and civil society organisations.[5]

4. LEGAL AND INSTITUTIONAL FRAMEWORK

Pakistan acceded to the CAT in 2010 and is therefore legally bound by its obligations under international law. The prohibition of torture under Article 2(2) is absolute and non-derogable, permitting no exceptional circumstances whatsoever. The CAT has clarified that States must take effective legislative, administrative, judicial, and preventive measures to ensure that torture and ill-treatment do not occur in practice.[6] These obligations extend to all persons under a State's jurisdiction, irrespective of nationality or migration status.

Article 3 of CAT prohibits the expulsion or return of any person to a country where there are substantial grounds for believing they would face a risk of torture.[7] In its General Comment No. 4, the CAT has emphasized that this requires an individualized and forward-looking assessment of risk, grounded in reliable country information and the particular circumstances of the individual concerned.[8]

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[4] OMCT, A Guide for the SOS-Torture Network on Investigating and Documenting Torture Remotely, https://www.omct.org/.
[5] Human Rights Commission of Pakistan (HRCP); UNHCR Pakistan; International Organization for Migration (IOM) Pakistan.
[6] Committee Against Torture, General Comment No. 2 (2008), para. 21.
[7] Ibid.
[8] Committee Against Torture, General Comment No. 4 (2017) on Article 3, paras. 9–11.

Pakistan is also a State Party to the International Covenant on Civil and Political Rights (ICCPR), which guarantees protection against torture and arbitrary detention under Articles 7 and 9.[9] The Human Rights Committee has clarified that detention may be arbitrary even when provided for by law if it lacks proportionality, necessity, or due process safeguards.[10] International standards governing detention conditions are further articulated in the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).[11] Despite these binding international commitments, Pakistan has not adopted a comprehensive domestic refugee protection framework. Afghan nationals residing in Pakistan are regulated primarily under the Foreigners Act 1946 and related administrative instruments.[12] The Foreigners Act grants broad discretionary authority to executive officials regarding arrest, detention, restriction of movement, and removal. In the absence of a statutory asylum system codifying non-refoulement and procedural safeguards, immigration enforcement operates within a framework of limited individualized protection guarantees.

In 2022, Pakistan adopted the Torture and Custodial Death (Prevention and Punishment) Act.[13] While this represents an important legislative development, the CAT has repeatedly emphasised that formal criminalisation must be accompanied by effective implementation, prompt investigation of allegations, and independent oversight.[14] Articles 12–14 of the CAT Convention require States to ensure impartial investigations, access to complaint mechanisms, and redress and rehabilitation for victims.

Institutional oversight mechanisms remain limited. The National Commission for Human Rights (NCHR) possesses a mandate to investigate violations but has faced capacity and access constraints.[15] Pakistan has not ratified the Optional Protocol to CAT (OPCAT),[16] and therefore lacks a designated National Preventive Mechanism empowered to conduct systematic, independent visits to places of detention.

4.1. Legal framework: Foreigners Act 1946

Pakistan has hosted Afghan refugees and migrants for more than four decades, following successive waves of displacement beginning in 1979. According to UNHCR, Pakistan remains one of the largest refugee-hosting countries globally, with an estimate of 3.7 millions of Afghan nationals residing under various statuses, including Proof of Registration (PoR) cards, Afghan Citizen Cards (ACC), and undocumented status. ACC are no longer considered valid documents by the Pakistan Government and PoR cards expiered in June 2025 and are no longer recognized as valid documents.[17] Moreover, the government has suspended the extention of visas for Afghans.[18] The Humanitarian Safe Passage (HSP) exit permit highlighted by the government in its

[9] International Covenant on Civil and Political Rights (ICCPR), arts. 7 and 9.
[10] Human Rights Committee, General Comment No. 35 (2014), paras. 18–19.
[11] United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), UN Doc A/RES/70/175 (2015).
[12] Foreigners Act 1946 (Pakistan) https://punjablaws.punjab.gov.pk/uploads/articles/THE_FOREIGNERS_ACT%2C_1946.pdf
[13] Torture and Custodial Death (Prevention and Punishment) Act, 2022 (Pakistan).
[14] Committee Against Torture, General Comment No. 2, para. 4.
[15] National Commission for Human Rights Act (Pakistan); NCHR official website.
[16] Optional Protocol to the Convention against Torture (OPCAT), adopted 18 December 2002
[17] https://pakistan.embassy.gov.au/ISLM/pakgovt_illegalforeigners.html.
[18] https://www.afintl.com/en/202508254570.

report to the list of issues, is issued to Afghan nationals who can transit to a third county. It is only valid for 30 days[19] and very costly (830 USD).[20] This means that many Afghans reside in Pakistan without legal status and thus risk deportation.

In the absence of a dedicated national refugee law, the legal status and treatment of Afghan nationals in Pakistan are primarily governed through the general immigration framework applicable to all foreign nationals. The central legal instrument regulating the entry, stay, and removal of foreigners is the Foreigners Act 1946. This colonial-era law grants wide discretionary powers to the executive and law-enforcement authorities. As such, it forms the legal basis through which many measures affecting Afghan nationals, including arrest, detention, deportation, and the use of force, are implemented.

The Foreigners Act 1946 and the 'illegal foreigners' Section 11 of the Foreigners Act, 1946 grants broad authority to employ force in implementing orders or preventing breaches of the Act. Section 11(2) grants the police the power and discretion to use force that is 'reasonably necessary' to ensure compliance with an order that is issued under the Act. There is a lack of clear guidelines on the use of force and there is no proper oversight mechanism to prevent abuse of power.

Subsection 2 of Section 11 of the Act grants powers to "any police officer" acting under the authority of the law unrestricted power to access any land or property. This lacks specificity and accountability and paves the way for unauthorized intrusions into private spaces, posing a substantial threat to individuals' privacy rights.[21]

Section 14(2) of the Foreigners Act prescribes that anyone enters Pakistan without valid documents shall be punished with imprisonment up to ten (10) years and fine up to ten (10) thousand rupees. Sec. 14 (1) also prescribes whoever violates the Foreigners Act or any order issued under it shall be subject to imprisonment for three years and fine. Section 14A further stipulates that any accused person who is guilty of an offense under 14(2) cannot be released on bail unless they are considered prima facie innocent. Section 14B allows a foreigner who is serving a sentence under the Act to leave Pakistan with the Federal Government's consent. Section 14C further states that a foreigner who is imprisoned under the Act for not having permission to stay in Pakistan cannot be released even after the sentence expires and must remain in custody until arrangements for deportation are finalized, up to a period of three months.
The implementation of the Foreigners Act has been challenged in the Islamabad High Court in June 2023. [22] The case was brought to the court by Rahil Azizi who had fled

[19] https://visa.nadra.gov.pk/humanitarian-safe-passage-permit/.
[20] https://sjlawexperts.com/humanitarian-safe-passage-permit-pakistan-hspp/.
[21] Section 11 subsection reads: (2) Any police officer may take such steps and use force as may, in his opinion, be reasonably necessary for securing compliance with any order made or direction given under or in pursuance of the provisions of this Act or for preventing or rectifying any breach of such order or direction.
(3) The power conferred by this section shall be deemed to conferred upon any person acting in exercise thereof a right of access to any land or other property whatsoever.
[22] Rahil Azizi vs the State and Others Writ Petition no. 1666 of 2023 available at https://mis.ihc.gov.pk/attachments/judgements/161521/1/W.P_No._1666_of_2023_Rahil_Azizi_Vs._The_State_638282052901135229.pdf ; for comment on the judgement and Pakistani law see Arjumand Bano Kazmi, "How can Pakistan change its approach to Afghan Refugees and Asylum seekers" available at https://lacuna.org.uk/justice/how-can-pakistan-change-its-approach-to-afghan-refugees-and-asylum-seekers/.

Kabul in August 2021 and entered Pakistan without a visa. Initially sent to a shelter for women, she was soon after arrested by the Federal Investigation Agency (FIA), proceeded under the Foreigners Act and sent to Adiyala jail, Rawalpindi, where she was imprisoned for nine months. The landmark decision illustrates the structural tensions between Pakistan's immigration enforcement framework under the Foreigners Act 1946 and international protection obligations. Rahil Azizi eventually succeeded in getting bail. When released, she was placed under the supervision of an official working with UNHCR, with permission granted by Pakistan's Ministry Of Interior. UNHCR subsequently issued Azizi with an Asylum-Seekers Certificate. A formal asylum application of Azizi was awaiting a decision by UNHCR. The UNHCR Pakistan office at Islamabad secured for Azizi a 'Humanitarian Woman at Risk' resettlement status from Australia in April 2023. She then needed an exit permit to leave Pakistan but this was denied by the Ministry of Interior as criminal proceedings against her were still pending. Azizi filed a petition with the Islamabad High Court.
During the proceedings at the high court, several dimensions of 'legal treatment' of asylum seekers in Pakistan were revealed.
The judgment referred to the ICCPR and the CAT in detail, citing article 3(1) of the CAT, which obligates States parties not to 'expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture'. The Court also held that Rahil Azizi must be accorded full protection in the context of the case facts. Article 31 of the Refugee Convention is utilized in the judgment as a 'useful aid to interpret section 14 of the Foreigners Act, read with the provisions of ICCPR, CAT, the agreement entered into by and between the State of Pakistan and UNHCR'. Further, the judgment examined the question of how to deal with the unlawful entry of an individual into Pakistan without a visa and fearing for their life and liberty. In such cases, the Islamabad High Court advised that the legislative intent behind the Foreigners Act is not to punish such individuals and ensure that they serve out their entire sentence in Pakistan. The judgment stated that the court was presented with no evidence to establish that Azizi 'knowingly and illegally entered in Pakistan instead of entering Pakistan as a refugee to save her life'. The Court held that to interpret the offence under section 14 as a strict liability offence would be contrary to the principle of non-refoulement enshrined in Article 3(1) of CAT as well as the guarantee of freedom of movement provided in Article 12(2) of ICCPR.

The judgment highlighted the need and possibility to interpret the Foreigners Act 1946 in a manner consistent with Pakistan's international obligations, including the principle of non-refoulement. However, the subsequent adoption of the Illegal Foreigners Repatriation Plan (IRFP), described below, raises concerns that migration policies may undermine the protective approach articulated by the Islamabad High Court, particularly in cases involving individuals seeking international protection.

4.2 Illegal Foreigners' Repatriation Plan (IFRP)

The broad discretionary powers granted under the Foreigners Act form the legal basis for contemporary migration enforcement measures, including the Illegal Foreigners' Repatriation Plan (IFPR). Framed as a response to national security

concerns and the growing threat of terrorism, [23] the Government of Pakistan implemented the IFRP in November 2023. This required undocumented foreign nationals to leave the country or face arrest and deportation. At the same time, the UNHCR has maintained a non-return advisory for Afghanistan.[24]

Following the implementation of the IFRP, United Nations agencies reported a sharp increase in arrests, detentions, and cross-border returns of Afghan nationals. Joint IOM–UNHCR updates documented hundreds of thousands of returns between late 2023 and 2024. Subsequent flash updates continued to record large-scale movements across border crossings into Afghanistan throughout 2025 and early 2026.[25]

National media reporting documented increases in arrests and detention operations targeting Afghan nationals in multiple provinces.[26] Civil society organisations raised concerns that enforcement measures extended beyond undocumented individuals and included profiling, extortion, and pressure tactics directed at documented Afghans as well.[27] As a consequence, individuals were returned despite facing a foreseeable risk of torture, contrary to Article 3 of the CAT Convention.

These enforcement developments coincided with heightened vulnerability among Afghan nationals following the fall of the Afghan democratic government and the takeover of the Taliban in August 2021. The United Nations Assistance Mission in Afghanistan (UNAMA) and UN General Assembly have documented ongoing human rights concerns inside Afghanistan, including risks faced by journalists, former government affiliates, women human rights defenders, and civil society actors.[28] These conditions are directly relevant when assessing risks associated with return under Article 3 of CAT Convention.

The survey responses and in-depth interviews collected for this report were conducted within this enforcement climate. Respondents consistently described arrests during police operations, short-term detention prior to deportation, and pressure to leave Pakistan within compressed timeframes.

The enforcement environment between 2023 and 2026 must therefore be understood not merely as an administrative migration policy shift, but as a context in which immigration control measures intersect with binding obligations under CAT and the ICCPR. Where executive discretion operates without codified asylum guarantees, preventive oversight, or effective complaint mechanisms, the risk of arbitrary detention, ill-treatment, and removal without adequate risk assessment is significantly heightened.

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[23] https://english.aaj.tv/news/330410980/no-extension-in-deadline-for-illegal-foreigners-repatriation-says-minister-of-state-for-interior.
[24] https://www.refworld.org/policy/countrypos/unhcr/2023/en/124216.
[25] IOM–UNHCR Flash Update 80 (2026).
[26] Dawn News reporting on increased arrests; Kabul Now, "Pakistani police detain Afghan journalist in Islamabad amid ongoing refugee crackdown," January 2026.
[27] Human Rights Commission of Pakistan (HRCP) statements (2023–2025); Amnesty International reporting on deportations:https://hrcp-web.org/hrcpweb/forced-deportation-of-afghan-nationals/
[28] UNAMA, Human Rights Situation in Afghanistan Reports (2023); UN General Assembly documentation on Afghanistan

The following sections examine documented experiences in detail, including:

• Harassment, extortion, and evictions
• Arbitrary arrest and detention
• Physical and psychological ill-treatment
• Conditions of detention
• Deportation practices and non-refoulement concerns
• Access to remedies, fundamental safeguards, and accountability

5. HARASSMENT, EXTORTION, AND FORCED EVICTIONS

The data collected reveals a consistent pattern of harassment, financial extortion, and forced displacement affecting Afghan nationals in Pakistan during the period under review. These practices were not limited to undocumented individuals but were reported by respondents holding Proof of Registration (PoR) cards and other forms of documentation including valid visas and passports. The findings suggest that enforcement operations associated with the IFRP have created a climate in which policing practices have extended beyond formal immigration procedures into daily forms of coercion and economic pressure.

Survey data indicates that a significant proportion of respondents reported experiences of harassment by police or other security personnel prior to arrest or deportation. Several respondents described repeated document checks, threats of detention despite valid documentation, and demands for payment to avoid arrest. These experiences reflect broader concerns raised by civil society organisations, including the Human Rights Commission of Pakistan (HRCP), which documented allegations of harassment and intimidation of Afghan communities during enforcement operations[29]. Amnesty International similarly reported cases of coercion and pressure tactics directed at Afghan nationals during deportation campaigns.[30]

The testimonies collected during in-depth interviews provide detailed insight into how these practices operated in practice.

One interviewee described being stopped outside his residence by a plain-clothes police officer during a neighbourhood enforcement check, despite holding valid documentation:

> "I showed them my PoR card. I told them I was registered. They said it does not matter anymore. They said, 'You are Afghan, you must go.' They kept us there for hours and told us if we wanted to avoid problems, we should pay. Even with documents, we were not safe." (IDI-02)

Another respondent explained the financial dimension of enforcement practices:

[29] Human Rights Commission of Pakistan (HRCP), public statements on treatment of Afghan refugees (2023–2025).
[30] Amnesty International, reporting on deportation and harassment of Afghan nationals in Pakistan (2023–2025).

> "They came to the market and told us we had to leave within days. They said if we stayed, we would be arrested. Some people paid money so their shops would not be sealed. We did not have that money. After that, the landlord asked us to leave." (IDI-04)

These accounts illustrate how enforcement measures may generate indirect coercion. Even where formal detention does not occur, the threat of arrest, combined with demands for payment, creates pressure to vacate residences or close businesses. Such practices contribute to what interviewees described as "forced self-deportation."

Evictions emerged as a recurring theme. Several respondents reported landlords refusing to renew leases or demanding immediate departure following police warnings or neighbourhood checks. One interviewee described:

> "The landlord said the police had warned him. He said if Afghans stayed in the building, he would face trouble. We had lived there for years. We were given three days. My children cried because they did not know where we would go." (IDI-03)

The psychological dimension of these pressures is significant. Respondents frequently described living in a state of uncertainty and fear, unsure whether documentation would protect them. One interviewee summarised this climate:

> "Every day we were afraid. Even if you have papers, they say they can take you. We stopped sending the children outside. We kept our bags ready." (IDI-01)

These experiences align with broader reporting by international media documenting increased arrests and detentions of Afghan nationals during enforcement operations.[31] IOM and UNHCR flash updates have noted that large-scale movements often followed periods of intensified policing.[32] Media and civil society organisations reported night-time police raids, armed officers breaking locks and doors and windows, beating and humiliating Afghan residents and detaining whole families,[33] including Afghans who were accepted into third country resettlement programs.[34] There are, moreover, reports that landlords and hotel owners are warned that renting property to Afghan citizens would result in legal consequences and that announcements are made in mosques encouraging residents to report Afghans living in their communities without documentation.[35]

While official statements framed the IFRP as targeting undocumented migrants, civil society reporting indicates that the enforcement environment has had wider spillover effects on Afghan communities, including those with recognised documentation.[36]

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[31] Dawn News, reporting on increase in arrests and detentions of Afghan nationals (2024–2026).
[32] IOM–UNHCR Flash Updates (2023–2026).
[33] https://www.afintl.com/en/202509075621.
[34] Ibid.
[35] Ibid.
[36] Kabul Now, "Pakistani police detain Afghan journalist in Islamabad amid ongoing refugee crackdown," January 2026.

The cumulative effect of harassment, extortion, and eviction contributes to displacement dynamics even prior to formal deportation. Interviewees repeatedly described decisions to leave Pakistan not as voluntary migration choices, but as outcomes of sustained pressure.

As one interviewee stated:

> "They did not put me on a bus that day. But they made it impossible to stay. When every week someone knocks at your door and says you must leave, you understand that you have no choice." (IDI-05)

The consistent accounts from independent respondents show that harassment and extortion were not isolated abuses, but formed part of regular enforcement practice during the reporting period. The repeated use of similar methods, language, and financial demands across locations points to a structural pattern rather than individual misconduct.

6. ARBITRARY ARREST AND DETENTION OF AFGHAN NATIONALS

The qualitative data gathered for this report aligns with reporting by UN agencies and human rights organisations documenting large-scale arrest operations and detention of Afghan nationals following the announcement of the IFRP in 2023. Official figures indicate that over 500,000 Afghans returned to Afghanistan between October 2023 and early 2024, many following arrest threats, detention, or coercive enforcement measures. Within this broader context, the testimonies collected demonstrate recurring patterns of arrest and detention practices raising serious concerns under international standards prohibiting arbitrary deprivation of liberty.[37]

Survey findings indicate that 68.3% of respondents reported being asked for money to avoid arrest or secure release, and among those detained, 85.7% reported extortion. Arrests were described as occurring during neighbourhood sweeps, market inspections, roadside checks, and home raids. Respondents frequently reported that arresting officers did not present warrants, did not explain legal grounds, and did not inform detainees of their rights.

These accounts must be assessed against Pakistan's obligations under Article 9 of the ICCPR, which guarantees that no one shall be subjected to arbitrary arrest or detention. The Human Rights Committee has clarified that "arbitrariness" includes elements of inappropriateness, injustice, lack of predictability, and lack of due process, even where detention is authorised under domestic law.[38] The prohibition therefore extends beyond

[37] UNHCR, Afghanistan Situation: Returns to Afghanistan Following Pakistan's Announcement of the Illegal Foreigners Repatriation Plan (2023–2024), https://www.unhcr.org/afghanistan-emergency.html; International Organization for Migration (IOM), Afghanistan Returnee Emergency Response Situation Reports (2023–2024), https://dtm.iom.int/afghanistan; Amnesty International, Pakistan: Mass forced returns of Afghan refugees must stop, 4 October 2023, https://www.amnesty.org/en/latest/news/2023/10/pakistan-mass-forced-returns-of-afghan-refugees-must-stop/.

[38] Human Rights Committee, General Comment No. 35 (2014), para. 12.

unlawful detention to detention that lacks necessity, proportionality, or procedural safeguards.

Interview testimonies reveal a pattern of arrests conducted without individualized assessment.

One interviewee described:

> "They came early in the morning. They knocked very hard. When we opened the door, they pushed inside. They did not show any paper. They said, 'All Afghans must come.' I showed my documents. They said, 'It does not matter. You will explain at the station.'" (IDI-01)

Another interviewee explained:

> "We were taken from the street. They stopped everyone who looked Afghan. They did not ask for anything at first. They just said, 'You are coming with us.' Later, they asked for documents at the station." (IDI-03)

These descriptions suggest that nationality profiling formed part of enforcement operations. The Human Rights Committee has repeatedly emphasized that detention based solely on nationality or immigration status, without individualized assessment, may constitute arbitrary detention.[39]

Several interviewees reported that even documented individuals were detained for verification.

One respondent stated:

> "I had my PoR card in my pocket. I showed it. They said it had to be verified. They kept us for two days for 'checking.' During those two days, we were not allowed to call our families." (IDI-02)

Another described:

> "They said there was a new policy and that even those with cards must be reviewed. We asked how long it would take. They said, 'We will see.'" (IDI-04)

[39] Ibid., paras. 15–18.

The absence of clear timelines and access to communication contributed to uncertainty and fear. Several interviewees indicated they were not brought promptly before a magistrate.

> "We stayed in the lock-up. No judge, no lawyer. They did not tell us what law we broke." (IDI-05)

Under international law, prompt judicial oversight is a fundamental safeguard against arbitrariness. The Human Rights Committee has clarified that anyone arrested must be brought promptly before a judge, generally within 48 hours.[40] Prolonged detention without judicial review may violate Article 9 of the ICCPR even in immigration contexts.

In addition, the CAT has stressed that the absence of basic safeguards, including access to a lawyer, access to family, and independent medical examination, increases the risk of torture and ill-treatment.[41]

Multiple interviewees described being denied contact with family members during the initial period of detention.

> "My family did not know where I was. My phone was taken. For three days they did not allow any call." (IDI-06)

The confiscation of mobile phones during arrest was widely reported. Several respondents indicated that phones were not returned, raising concerns not only regarding communication rights but also potential economic loss and intimidation.

In addition to individual arrests, interviewees described larger "round-up" operations.

> "They took many of us together. We were put into one vehicle. Some were shopkeepers, some were workers. No one explained anything." (IDI-03)

Mass round-ups, particularly where based on appearance or nationality, risk contravening international standards prohibiting discrimination. When detention is used as a generalized migration control tool without individualized necessity assessment, it may fall within the scope of arbitrariness under international law.

Furthermore, the CAT has clarified that immigration detention must not be punitive in nature and must be strictly necessary and proportionate.[42] Detention solely for purposes of expulsion must be accompanied by procedural safeguards and must not be prolonged beyond what is strictly required.

Several interviewees reported being held in detention facilities pending deportation without clear explanation of duration.

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[40] Ibid., para. 33.
[41] Committee Against Torture, General Comment No. 2 (2008), paras. 13–15.
[42] Ibid., para. 13.

> "They said we would be deported, but they did not say when. Every day we asked. They said, 'Tomorrow.' We stayed there many days." (IDI-04)

Another interviewee described:

> "We were waiting for transport. We did not know if we could challenge it. No one told us about any right to appeal." (IDI-02)

The absence of effective remedies during detention violate Articles 12–14 of CAT, which require prompt and impartial investigation of allegations of ill-treatment and guarantee the right to redress. Where detainees lack access to complaint mechanisms or legal counsel, accountability becomes structurally weakened.

The cumulative evidence suggests that arrest and detention practices during the enforcement period were frequently characterized by:

- Absence of arrest warrants
- Lack of individualized risk or status assessment
- Nationality-based profiling
- Confiscation of communication devices
- Limited access to family or legal counsel
- Unclear duration of detention
- No presentation before a magistrate or access to judicial review prior to deportation

7. PHYSICAL AND PSYCHOLOGICAL ILL-TREATMENT IN CUSTODY

The data gathered through both survey responses and in-depth interviews reveals allegations of physical violence (41.46%), threats, humiliation, and psychological abuse (75.61%) during arrest and detention. A total of 96.4% of detained respondents experienced multiple forms of abuse while in custody. These accounts must be assessed against Pakistan's obligations under Articles 1, 2, and 16 of the CAT Convention which prohibit torture and other cruel, inhuman or degrading treatment or punishment in absolute terms.

The CAT has clarified that ill-treatment may arise not only from severe physical pain but also from acts causing serious mental suffering, intimidation, humiliation, or coercion. These obligations apply in all places of detention and to all persons deprived of liberty, including migrants and asylum seekers.

7.1. Physical Violence During Arrest and Initial Detention

Several interviewees described being beaten at the time of arrest or shortly thereafter.

One interviewee recounted:

> "When I asked why they were taking me, one officer hit me with a stick on my back. I said I had documents. He said, 'You Afghans always say

> that.' They pushed me into the vehicle. Inside, they hit another man because he was speaking loudly." (IDI-03)

Another described:

> "They slapped me many times. They told me to lower my head. When I tried to look up, they hit me again. They said, 'Do not look at us.'" (IDI-01)

One of the most severe accounts described repeated beatings inside the detention facility:

> "I complained about the conditions. After that, two officers came. They beat me with sticks. They hit my legs and back. They said, 'If you want to complain, complain now.' I could not stand properly for days." (IDI-04)

7.2. Threats and Coercion

Psychological abuse featured prominently in interview testimonies. Interviewees described threats of prolonged detention, threats of deportation under dangerous conditions, and verbal humiliation based on nationality.

One respondent stated:

> "They told us, 'You have no country. You are nothing here.' They said if we complained, they would send us to a worse place." (IDI-02)

Another described explicit threats:

> "One officer said, 'If you want to die, we can finish you here.' I did not know if he was serious, but when you are locked inside, you believe it." (IDI-05)

The CAT has recognised that threats of death or severe harm can constitute torture or other ill-treatment, particularly where the victim is in a situation of total powerlessness.

7.3. Degrading Treatment and Humiliation

Interviewees also described acts intended to humiliate or degrade detainees.

> "They made us sit on the floor. We were not allowed to speak. They insulted us, calling us criminals and terrorists. They said we were the reason for problems in Pakistan." (IDI-06)

Another recounted:

> "They told us to keep our heads down and not look at anyone. They said, 'You Afghans should be grateful we do not beat you more.'" (IDI-01)

7.4. Denial of Safeguards and Heightened Risk of Abuse

The absence of procedural safeguards amplified the risk of ill-treatment. Interviewees consistently reported:

- No access to lawyers
- No medical examinations
- No prompt judicial oversight
- Confiscation of phones
- Restricted communication with family

The CAT has emphasised that fundamental safeguards — including prompt access to a lawyer, independent medical examination, and communication with family — are essential to preventing torture.[43] Their absence significantly increases vulnerability.

One interviewee described:

> "We were injured, but no doctor came. One man had bruises on his face. They did nothing." (IDI-03)

The Istanbul Protocol establishes international standards for the investigation and documentation of torture, including the obligation to ensure independent medical examination of detainees alleging abuse.[44] The absence of such mechanisms weakens accountability and contributes to impunity.

7.5. Psychological Impact of Custodial Abuse

The cumulative effect of threats, humiliation, and uncertainty was described by interviewees as deeply destabilising.

> "I still hear their voices when I sleep. When someone knocks on the door, my heart races." (IDI-02)

Another explained:

> "After they released me, I was afraid to leave the house. Even now, I avoid police checkpoints." (IDI-05)

Psychological trauma arising from detention experiences may constitute ill-treatment where mental suffering is severe and intentionally inflicted.[45]

Reports by international and national human rights organisations have documented concerns regarding treatment of detainees in Pakistan, including allegations of custodial violence and lack of accountability.[46] The patterns documented in this report align with

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[43] Committee Against Torture, General Comment No. 2 (2008), para. 13.
[44] Istanbul Protocol, OHCHR (2022 revision).
[45] Committee Against Torture, General Comment No. 2, para. 6.
[46] Amnesty International. (2024). Pakistan – Amnesty International Report 2023/24. https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/pakistan/report-pakistan/.

those broader concerns, particularly in contexts where immigration enforcement overlaps with police operations.

When assessed cumulatively, the documented acts — physical beatings, threats, humiliation, denial of safeguards, and prolonged uncertainty — suggest a pattern of treatment that raises serious concerns under Articles 1, 2, and 16 of CAT, as well as Articles 7 and 9 of the ICCPR.

8. CONDITIONS OF IMMIGRATION DETENTION AND HOLDING FACILITIES

Survey responses indicate that 63.4% of detainees described overcrowded conditions and 53.7% reported unsanitary facilities. The evidence collected through survey data and in-depth interviews reveals serious concerns regarding conditions of immigration detention and temporary holding facilities, including police lock-ups, district jails, and so-called "Haji camps" also called repatriation holding centres used prior to deportation.

Survey data indicates that a significant proportion of respondents who reported detention also reported overcrowding, inadequate sanitation, insufficient food, and denial of communication with family members. A majority of detained respondents reported that they were not provided access to a lawyer, were not brought promptly before a magistrate, and were not informed of any available appeal procedures prior to deportation.

These conditions must be assessed against the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), which apply to all persons deprived of liberty, regardless of legal status.[47] The Rules require adequate accommodation, sanitation, medical care, access to legal counsel, communication with family, and protection from degrading treatment.[48] Immigration detention, while administrative in nature, remains subject to these standards.

8.1. Overcrowding and Physical Conditions

Multiple interviewees described severe overcrowding in holding facilities and Haji camps used prior to deportation.

One interviewee stated:

> "There were 17 people in one room. Two of us had to share one thin mattress. Some slept on the floor without anything. At night, there was no space to stretch your legs." (IDI-05)

Another described the environment as chaotic and degrading:

> "We were kept in a large hall. People were everywhere. Families were separated. Children were crying. There was no privacy. It felt like we were animals waiting to be transported." (IDI-03)

[47] Nelson Mandela Rules, supra note 19.
[48] Ibid., Rules 12–23, 58–63.

One particularly detailed account described the layout of a Haji camp:

> "They took us to what they called a camp. It was surrounded by walls and guarded. Inside there were large rooms with metal bars. They counted us many times. We were waiting for buses. No one explained how long we would stay." (IDI-04)

These accounts are consistent with reporting by IOM and UNHCR documenting large numbers of Afghan nationals passing through repatriation holding centres during enforcement operations.[49]

8.2. Sanitary Facilities and Hygiene

Sanitation was repeatedly described as inadequate.

One interviewee recounted:

> "The toilets were clogged. There was water on the floor. The smell was unbearable. We asked for cleaning materials but no one came." (IDI-05)

Another stated:

> "There was only one toilet for many people. Sometimes we had to wait a long time. There was not enough water." (IDI-02)

8.3. Food and Medical Care

Several detainees reported insufficient or poor-quality food.

> "They gave us food once or twice a day. It was very little. Some people were hungry. Children cried because they were not used to this food." (IDI-03)

Another interviewee described:

> "We received bread and watery lentils. That was all. There was no fruit, nothing else." (IDI-06)

The Mandela Rules require that prisoners be provided with food of nutritional value adequate for health and strength.[50]

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[49] International Organization for Migration (IOM), Afghanistan Returnee Emergency Response – Situation Reports (2023–2024), https://dtm.iom.int/reports/afghanistan-returnee-emergency-response-situation-report ; UNHCR, Pakistan Emergency Response Updates (2023–2024), https://www.unhcr.org/where-we-work/countries/pakistan?dataset=POP&yearsMode=range&selectedYears=%5B2012%2C2026%5D&level=OPR&category=PTY&fundingSource=ALS&compareBy=%5B%22category%22%5D&levelCompare=%5B%5B%22OPAK_ABC%22%5D%5D&viewType=chart&chartType=bar&contextualDataset=BUD&tableDataView=absolute

[50] Ibid., Rule 22.

Access to medical care also appeared limited.

> "One man was sick. He was coughing badly. We asked for a doctor. They said there was no doctor available." (IDI-01)

The absence of medical evaluation, particularly for individuals alleging beatings or injury, is inconsistent with international safeguards designed to prevent torture and ill-treatment.

8.4. Access to Lawyers, Judges, and Legal Remedies

Across interviews, detainees consistently reported lack of access to legal counsel.

> "No lawyer came. We did not know if we had the right to one. No one told us anything." (IDI-04)

Another explained:

> "They said we were immigration cases, not criminal cases. They said there was no need for court." (IDI-02)

None of the interviewees reported being brought promptly before a magistrate prior to deportation. Nor did interviewees report being provided interpreters or translators.

> "Some people did not understand Urdu. They tried to ask questions but were shouted at." (IDI-03)

The absence of translation services impairs the ability to understand legal status and challenge detention.

8.5. Access to Outside World and Communication

Confiscation of phones was repeatedly reported.

> "They took our phones when we entered. They said we would get them back later. I never got mine back." (IDI-06)

Another explained:

> "For days, my family did not know where I was. They were searching for me. I could not call." (IDI-02)

8.6. Organization of Haji Camps and Deportation Processing

Interviewees described Haji camps as transit centres used to consolidate detainees prior to deportation.

> "We were lined up and counted. They took our fingerprints again. They checked names from a list. Then they put us on buses." (IDI-05)

Another explained:

> "It felt like processing, not like any court decision. Just names being read and people moved." (IDI-04)

While such facilities are administratively described as temporary, international law requires that any deprivation of liberty, regardless of duration, comply with safeguards and minimum standards.[51]

[51] Mandela Rules, Rules 12–23

9. FORCEFUL RETURN AND VIOLATION OF THE PRINCIPLE OF NON-REFOULEMENT

The deportation measures implemented between 2023 and 2026 raise serious concerns under Article 3 of the CAT Convention, which provides that no State Party shall expel, return, or extradite a person to another State where there are substantial grounds for believing that they would be in danger of being subjected to torture. This obligation is absolute and non-derogable. It applies irrespective of the individual's immigration status and regardless of domestic enforcement policies.

The data indicates that Afghan nationals were returned to Afghanistan without individualized risk assessments, under coercive conditions, and despite well-documented risks of torture, arbitrary detention, and persecution in Afghanistan during the reporting period.

9.1 Deportation Without Individual Risk Assessment

Across all interviews involving deportation or imminent removal, a consistent pattern emerges: detainees were not asked about personal risk factors prior to deportation. There was no indication of individualized asylum-type screening, no documented forward-looking risk evaluation, and no opportunity to meaningfully present protection claims.

One interviewee described in detail the moment of removal:

> "They told us we would be sent back the next day. We asked to speak to someone, to explain our situation. I told them I had worked in media. I told them my name was known. They said, 'That is not our problem.' They put us on buses. There was no hearing. No interview. Nothing."(IDI-04)

Another respondent explained:

> "No one asked why I left Afghanistan. No one asked what would happen if I returned. They only checked my documents and said I had to go."(IDI-02)

A third interviewee stated:

> "We kept asking to explain our case. They said this is not asylum. This is deportation."(IDI-04)

A fourth described the process as purely administrative:

> "They read names from a list. When your name was called, you stood up. That was it. There was no chance to speak."(IDI-05)

These accounts indicate the absence of individualized assessment required under Article 3 of the CAT Convention. The CAT has clarified that States must conduct a forward-looking evaluation of whether substantial grounds exist to believe that the

individual would face a real, personal and foreseeable risk of torture upon return.[52] The assessment must consider both individual circumstances and the existence of a consistent pattern of gross, flagrant or mass violations of human rights in a country.

There is no evidence in the cases documented that such individualized risk assessments occurred.

9.2 The Risk Environment in Afghanistan

The risk landscape in Afghanistan during the reporting period is extensively documented by the UN and independent sources.

UNAMA reports from 2022 through 2025 documented credible allegations of torture, ill-treatment, arbitrary detention, enforced disappearance, and summary punishment under the de facto authorities.[53] The 2023 UNAMA report on the treatment of detainees found that torture and ill-treatment were widespread in detention facilities, including beatings, electric shocks, suffocation techniques, and other forms of abuse.[54]

The International Commission of Jurists has raised concerns regarding the collapse of judicial safeguards and the absence of effective accountability mechanisms in Afghanistan.[55]

Journalists, media workers, human rights defenders, and especially women rights defenders remain particularly vulnerable. The Committee to Protect Journalists (CPJ) has documented arrests, detention, and intimidation of journalists since August 2021.[56] Reporters Without Borders (RSF) has reported systematic repression of independent media and arbitrary detention of journalists.[57] UNESCO has similarly warned of shrinking media space and targeted intimidation.[58]

In addition, the UN Special Rapporteur on the situation of human rights in Afghanistan has reported ongoing reprisals, arbitrary detention, enforced disappearance, and torture of journalists, civil society actors, and women human rights defenders since August 2021. Successive reports to the Human Rights Council have documented patterns of retaliation against individuals perceived as critics of the de facto authorities, including those who previously worked in media or human rights sectors.[59]

[52] Committee against Torture, General Comment No. 4 (2017) on the implementation of Article 3, paras. 9–11.
[53] UNAMA, Human Rights Reports on Afghanistan (2022–2025), https://unama.unmissions.org/en/unama-human-rights.
[54] UNAMA, "Treatment of Detainees in Afghanistan" (2023), https://unama.unmissions.org/sites/default/files/pr_unama_hrs_treatment_of_detainees_report_20092023_english.pdf.
[55] International Commission of Jurists, reporting on rule of law and detention in Afghanistan, https://www.icj.org/.
[56] Committee to Protect Journalists (CPJ), Afghanistan reporting archive, https://cpj.org/
[57] Reporters Without Borders (RSF), Afghanistan country profile, https://rsf.org/en
[58] UNESCO, Safety of Journalists – Afghanistan reporting, https://www.unesco.org/en/safety-journalist
[59] UN Human Rights Council, Situation of human rights in Afghanistan – Report of the Special Rapporteur on the situation of human rights in Afghanistan (2022–2024), available at: https://www.ohchr.org/en/countries/afghanistan.

Front Line Defenders and Human Rights Watch have similarly documented cases of arrest, incommunicado detention, and mistreatment of human rights defenders and women protesters, as well as surveillance and threats directed at activists.[60]

Importantly, UN experts have warned that individuals forcibly returned to Afghanistan may face heightened risk of interrogation, retaliation, or persecution where their prior professional activities, public advocacy, or media work are known.[61]These concerns are particularly acute for journalists, women activists, and human rights defenders whose identities and professional histories are publicly documented.

Several interviewees in this study were journalists or individuals associated with media or sensitive reporting.

One interviewee explained:

> "If I go back, I am not safe. I worked in media. They know my name. They know my face. I was critical in my reporting. I cannot hide."(IDI-04)

Another stated:

> "I told them I would be arrested if I returned. I had covered stories about local authorities. They said that is not relevant."(IDI-04)

A third interviewee described the psychological impact of the risk:

> "No one asked me why I left Afghanistan. No one asked what I used to do there. They only checked my nationality. I kept thinking, if they send me back, who will protect me? I have already received threats before. As a journalist, you cannot just disappear quietly. People know your name, your work. But during detention, it was like none of that mattered."(IDI-02)

Another explained:

> "I reported on security issues and political matters. After the change of government, colleagues were arrested. When they detained me in Pakistan and started talking about deportation, I was not afraid of detention here. I was afraid of being sent back."(IDI-05)

The absence of individualized risk assessment in cases involving known risk categories — such as journalists, former media professionals, and individuals associated with international organizations — raises direct Article 3 concerns.

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[60] Front Line Defenders, Afghanistan – Human Rights Defenders at Risk, https://www.frontlinedefenders.org/en/location/afghanistan

[61] UN Human Rights Council, Situation of human rights in Afghanistan – Report of the Special Rapporteur, Human Rights Council sessions 53–55 (2023–2024), available at: https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions

9.3 Coercion and Questionable "Voluntariness"

In replies to the list of issues in relation to its second periodic report, the government of Pakistan states that over 600,000 Afghans have voluntarily returned.[62] Interview testimony suggests that return was often framed as voluntary but occurred under coercive conditions.

One respondent described:

> "They told us if we signed and agreed to leave, we could go quickly. Otherwise we would stay in detention longer. So we signed."(IDI-02)

Another explained:

> "We signed papers, but no one explained them. We were tired. We were scared. We just wanted to get out of the cell."(IDI-03)

Another described pressure linked to uncertainty:

> "They said, 'If you cooperate, it will be easier.' What does cooperate mean? It meant leave."(IDI-05)

Under international law, consent obtained under threat of prolonged detention may undermine voluntariness. UNHCR's protection framework provides that voluntary repatriation must be voluntary in nature and based on a free and informed decision, without coercion, and carried out in conditions of safety and dignity.[63] Where detention conditions are degrading and individuals lack access to legal advice, the voluntariness of departure is highly questionable. Human Rights Watch reported that many Afghans left Pakistan under pressure following arrests and threats of detention during the 2023 enforcement period.[64] Amnesty International documented similar accounts of coercive return dynamics.[65]

9.4 Collective Removal Practices

Interview evidence suggests deportations were frequently carried out in groups following arrest sweeps.

One interviewee described:

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62 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FPAK%2FRQ%2F2&Lang=en, para. 33.

63 UNHCR, Handbook on Voluntary Repatriation: International Protection (1996), https://www.unhcr.org/3bfe68d32.pdf ; UNHCR Executive Committee Conclusion No. 101 (2004) on Legal Safety Issues in the Context of Voluntary Repatriation, https://www.unhcr.org/excom/exconc/41b41fd34/conclusion-legal-safety-issues-context-voluntary-repatriation-no-101.html .

64 Human Rights Watch, reporting on Afghan returns from Pakistan (2023).

65 Amnesty International, reporting on deportations and coercion (2023–2024).

> "They brought buses. We were many people together. Families, young men, older people. Nobody was asked about individual cases."(IDI-05)

Another explained:

"They did not separate people based on risk. Everyone arrested that week was processed the same way." (IDI-02). The interviewee was subsequently deported without any individualized risk or protection assessment prior to removal.

IOM and UNHCR operational updates documented large-scale cross-border movements following the announcement of Pakistan's Illegal Foreigners Repatriation Plan in October 2023. According to IOM's Displacement Tracking Matrix (DTM), more than 500,000 Afghan nationals returned from Pakistan between October 2023 and early 2024, many within a matter of weeks.[66] UNHCR similarly reported sustained high-volume returns during this period, with daily return figures in the thousands at peak moments.[67] While these updates do not assess the legality of removals, the scale and speed of return operations raise serious concerns as to whether individualized risk screening mechanisms could have been systematically applied in each case.

9.5 Particular Vulnerability of Media Workers and Other Risk Categories

The individuals interviewed include journalists and media workers and other individuals fearing retaliation due to professional activities e.g. human rights defenders, individuals associated with international organizations, and individuals previously threatened in Afghanistan.

One interviewee explained:

> "When I was detained here, I told them clearly that I am a journalist. I said I had already received threats before leaving Afghanistan. The officer told me, 'That is not our concern.' At that moment, I understood that nationality was the only thing that mattered."(IDI-04)

Another described ongoing fear:

> "Detention was difficult, but the worst part was thinking about deportation. I kept imagining being questioned about my work. Even now, I live with that fear."(IDI-02)

Given UNAMA's documentation of arbitrary detention, torture, and ill-treatment in Afghanistan, including all facilities operated by the de facto authorities, and consistent reporting by international organisations on reprisals

[66] International Organization for Migration (IOM), Afghanistan Returnee Emergency Response – Situation Reports and DTM Updates (2023–2024), documenting cumulative returns exceeding 500,000 following October 2023, https://dtm.iom.int/afghanistan.
[67] UNHCR, Afghanistan Situation – Emergency Response Updates (2023–2024), reporting large-scale daily returns through Torkham and Spin Boldak border crossings, https://www.unhcr.org/afghanistan-emergency.html.

against journalists and media workers, deportation of individuals in these risk categories without individualized assessment raises serious concerns under Article 3 of the Convention against Torture. In particular, the Committee to Protect Journalists (CPJ)[68] and Reporters Without Borders (RSF)[69] have documented arrests, intimidation, and detention of journalists since August 2021, including cases involving retaliation for prior reporting.

10. IMPUNITY AND LACK OF EFFECTIVE REMEDIES

The data indicates that individuals subjected to arrest, detention, ill-treatment, extortion, and deportation during the 2023–2026 enforcement period lacked meaningful access to complaint mechanisms, judicial remedies, or reparation. The absence of effective complaint pathways, coupled with fear of retaliation or accelerated deportation, created conditions in which accountability mechanisms were functionally inaccessible to affected individuals.

Articles 12, 13, and 14 of the Convention against Torture require States Parties to ensure prompt and impartial investigation wherever there is reasonable ground to believe that torture or ill-treatment has occurred, to guarantee the right of victims to complain and have their cases examined, and to provide redress, including compensation and rehabilitation.[87] The evidence suggests that these obligations were not effectively implemented in the context of immigration enforcement operations.

10.1 Lack of judicial remedies

Across all interviews, no respondent reported filing a formal complaint regarding the circumstances of their arrest, physical abuse, extortion, detention conditions, or against their deportation decision.

Lack of legal information, lack of access a lawyer, the fear of retaliation, and language barriers made it difficult for individuals to access any forms of remedies. Moreover, all returned individuals reported being detained before deportation, most often for a short period of time. This made it impossible to seek legal help.

Among respondents who reported physical abuse (58.5%) or psychological abuse (75.6%), none reported pursuing formal legal action against responsible officials. Interviewees consistently responded that they believed a complaint would be futile or would worsen their situation.

One interviewee explained:

> "How could I complain? I was in their custody. If I complained, they could keep me longer."(IDI-03)

Another stated:

[68] Committee to Protect Journalists (CPJ), Afghanistan – CPJ reporting archive, https://cpj.org/asia/afghanistan/
[69] Reporters Without Borders (RSF), Afghanistan country profile, https://rsf.org/en/country/afghanistan

> “We did not even know where to complain. They did not tell us we had rights.”(IDI-04)

A third described the atmosphere of fear:

> “Everyone was afraid. If you spoke too much, they shouted at you. Some people were beaten for arguing.”(IDI-03)

One interviewee stated:

> “We did not know any lawyer. We did not have money. We were foreigners.”(IDI-02)

Another explained:

> “Even if we tried, who would defend us? We were being deported.”(IDI-05)

10.2 Failure to Investigate and Structural Impunity

There is no indication in the documented cases that authorities initiated investigations into allegations of physical violence, extortion, or degrading detention conditions.

One interviewee recounted:

> “They hit me in the detention room. There were other officers there. Nobody intervened. Nobody recorded anything.”(IDI-03)

Another stated:

> “I told them I was injured. They ignored me. No one wrote it down.”(IDI-02)

Under Article 12 CAT, authorities must conduct prompt and impartial investigations wherever there are reasonable grounds to believe torture or ill-treatment has occurred.[70] This obligation is triggered by credible allegations, even in the absence of a formal complaint. The Istanbul Protocol underscores the importance of documenting injuries and conducting independent medical examinations when abuse is alleged.[71] Interview testimony suggests that such procedures were not followed. The failure to document, investigate, or discipline officials accused of abuse contributes to a climate of impunity, which the CAT has repeatedly identified as a primary enabling factor for torture.[72]

10.3 Extortion and Corruption Without Accountability

[70] Committee against Torture, General Comment No. 2 (2008), para. 13.
[71] Istanbul Protocol, OHCHR (2022 revision).
[72] Committee against Torture, General Comment No. 2, para. 4.

Extortion was one of the most frequently reported abuses in the survey data. Of the 41 respondents, 28 individuals (68.3%) reported being asked for money to avoid arrest, secure release, or reduce detention duration. Among those detained, 85.7% reported extortion.

One respondent described:

> "They said if we paid, we could leave quickly. Some people paid and were released."(IDI-02)

Another explained:

> "They took money from several people in the room. If you had money, you had options. If not, you stayed."(IDI-03)

Another described the normalization of such practices:

> "Everyone knew you had to pay something. It was not hidden."(IDI-05)

One interviewee summarized the experience succinctly:

> "We were arrested, detained, threatened, and then sent back. There was no chance to defend ourselves. It was like the system moved forward without listening."(IDI-04)

Despite the prevalence of these allegations, no interviewee reported any formal investigation into such practices. The absence of oversight mechanisms, particularly in detention, creates conditions where corruption and coercion intersect with immigration enforcement.

10.4 Institutional Oversight Gaps

Pakistan has established the National Commission for Human Rights (NCHR) under domestic law.[73] However, interviewees did not report awareness of, or access to, such oversight bodies during detention.

Furthermore, Pakistan has not ratified the Optional Protocol to the Convention against Torture (OPCAT), which requires the establishment of an independent National Preventive Mechanism with authority to conduct unannounced visits to places of detention.[74] The absence of such a mechanism limits preventive monitoring of immigration detention facilities.

[73] National Commission for Human Rights Act (Pakistan); NCHR official website.
[74] Optional Protocol to the Convention against Torture (OPCAT), adopted 18 December 2002.

The lack of independent oversight in immigration detention contexts exacerbates vulnerability to abuse and reduces accountability pathways.

11. CONCLUSION

Drawing upon survey data (N=41), six in-depth interviews, and corroborating reporting by United Nations bodies, national human rights institutions, and international organizations, the evidence reveals a pattern of refoulement practice incompatible with Pakistan's obligation under the CAT Convention. The findings underscore the gravity of documented practices: 68.29% of respondents reported arrest or detention; 72.4% of detainees were held without judicial review; 63.4% reported overcrowded detention conditions; 58.5% reported physical abuse; and 75.6% reported psychological abuse, including threats and degrading remarks. These figures, while not statistically representative of all Afghan nationals in Pakistan, demonstrate recurring patterns of enforcement-related harm across independent accounts.

The findings further demonstrate that harm occurred along the full enforcement pathway. It began with repeated identity checks, harassment, and home visits that disrupted daily life and generated persistent insecurity. It continued through arrest and detention practices that frequently lacked individualized assessment or meaningful judicial oversight. It culminated in deportation measures implemented without documented risk evaluation, despite well-established country conditions indicating credible risks in Afghanistan. In many cases, the psychological impact of the impedeing return was described as more enduring than the physical confinement itself.

The quantitative findings indicate that detention was not exceptional. A substantial majority of respondents reported having been arrested or detained during the enforcement period. In many cases, detention was brief, often lasting hours or several days prior to deportation. However, even during these short periods of custody, respondents reported not being brought before a judicial authority, having no access to legal remedies, and being held in overcrowded and unsanitary conditions. Reports of physical violence and psychological abuse during custody were frequent and consistent across respondents.

The qualitative interviews provide detailed narrative depth behind these figures. Interviewees described arrests conducted without clear explanation, detention framed as "verification," and uncertainty regarding release or deportation. Several individuals recounted being pressured to sign documents agreeing to return without being informed of the implications. One interviewee explained, "They said this is immigration, not criminal. There is no judge. We just had to wait." Another stated, "We kept asking to explain our case. They said this is not asylum. This is deportation." Such accounts illustrate a system in which administrative detention operated with limited procedural transparency and minimal opportunity for individualized review.

The material conditions described in detention facilities, including overcrowding, inadequate sanitation, limited communication with family members, and the presence of children in adult holding areas, fall below internationally recognized minimum

standards.[75] The cumulative effect of confinement, uncertainty, and threat of removal contributed to psychological distress, humiliation, and trauma. In the absence of accessible complaint mechanisms and independent oversight, these conditions heightened vulnerability to further abuse.

The deportation phase raises particularly serious concerns under Article 3 of the CAT Convention. Interview testimony consistently indicates that individuals were not provided with individualized risk assessments prior to removal. Several interviewees were journalists or media workers who articulated specific fears of targeted retaliation upon return to Afghanistan. Independent reporting by UNHCR and international organizations during the reporting period has documented credible allegations of torture, arbitrary detention, and reprisals in Afghanistan.[76] The CAT has clarified that the existence of a consistent pattern of gross violations in a country of return is relevant when assessing risk under Article 3.[77] The absence of individualized screening in such circumstances raises serious non-refoulement concerns.

Importantly, the documentation does not dispute the sovereign authority of Pakistan to regulate immigration. States retain the right to enforce immigration laws and to manage their borders. However, the exercise of that authority remains constrained by binding international obligations. The prohibition of torture and ill-treatment is absolute. Safeguards against arbitrary detention must be effective in practice, not merely formal in law. Protection against refoulement requires individualized assessment and procedural fairness. hen enforcement targets vulnerable people who face documented risks in their country of origin, compliance standards must be especially strict. The report further identifies structural barriers to accountability and remedy. Respondents described fear of retaliation, accelerated deportation, or futility if complaints were filed.

The psychosocial dimension of the findings warrants emphasis. Interviewees described fear, humiliation, chronic anxiety, and distress associated with uncertainty about deportation. Families, including children, were affected. Psychological harm persisted beyond release or removal.

The evidence documented throughout this report reveals an identifiable enforcement cycle. Identity-based profiling and harassment precede arrest. Arrest transitions into administrative detention without individualized necessity assessment. Detention is accompanied by overcrowding, uncertainty, restricted access to legal safeguards, and in many cases physical or psychological abuse. Deportation follows without meaningful risk assessment, often under coercive conditions framed as “voluntary.” Finally, avenues for complaint, remedy, or rehabilitation remain limited or inaccessible.

This cycle operates cumulatively. Harm at one stage reinforces vulnerability at the next. The consistency of this pattern across quantitative survey data, detailed testimonial evidence, and independent reporting suggests that the violations documented are not

[75] United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), UN Doc A/RES/70/175 (2015).
[76] UNHCR, UNHCR Position on Returns to Afghanistan (most recent update, 2023).
UNHCR advises against forced returns to Afghanistan due to risk of persecution, reprisals, and serious human rights violations, particularly for specific risk profiles.
https://www.refworld.org/docid/64f09bcd4.html.
[77] Committee against Torture, General Comment No. 4 (2017) on Article 3.

episodic irregularities but manifestations of systemic enforcement design. In such circumstances, the risk of torture, ill-treatment, arbitrary detention, and refoulement becomes structurally foreseeable rather than exceptional.

The responsibility to prevent torture and ill-treatment applies equally in contexts of migration control.[78] The protection of human dignity, procedural safeguards, and access to remedy are not suspended in administrative settings. Where deprivation of liberty is exercised, safeguards must be robust. Where removal is contemplated, risk must be carefully assessed. Where harm has occurred, accountability and rehabilitation must follow.

12. RECOMMENDATIONS

The findings in this report demonstrate the need for coordinated action by the Government of Pakistan, United Nations bodies, international partners, and third States. The recommendations below are grounded in the primary evidence collected and in Pakistan's binding obligations under the CAT Convention and related international standards.[79] The CAT should make the following recommendations to the government of Pakistan:

12.1 Reform of the Legal and Enforcement Framework

- amend the Foreigners Act 1946 and related administrative policies to incorporate explicit procedural safeguards against arbitrary detention and coercive deportation. In the longer term, the adoption of a comprehensive Migration and Refugee Law to replace the Foreigners Act 1946 would provide a more effective and sustainable legal framework.

- Operationalize the Torture and Custodial Death (Prevention and Punishment) Act, 2022 through implementing regulations, standardized documentation procedures, and systematic training of law enforcement and immigration officials.

- ratify the Optional Protocol to the Convention against Torture and establish an independent National Preventive Mechanism empowered to conduct unannounced visits to all detention facilities, including immigration holding centers.

- provide detailed data regarding immigration detention of Afghan nationals between 2023–2026.

12.2 Safeguards at the Arrest Stage

[78] Committee against Torture, General Comment No. 2 (2008), para. 15
[79] Convention against Torture, Articles 2, 3, 12–14 and 16.

- Base all arrest on individualized legal grounds rather than profiling by nationality or documentation status.

- communicate reasons for arrest in a language understood by the individual.

- grant immediate access to legal counsel, medical examination, and family notification should be guaranteed in all cases.

- prioritize alternatives to detention, particularly for families, children, journalists, media workers, and individuals expressing protection concerns.

12.3 Safeguards During Detention

- comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), including requirements on space, sanitation, ventilation, medical care, and communication rights..

- make independent complaint mechanisms accessible to non-citizens and guarantee that filing a complaint will not trigger deportation or retaliation.

12.4 Protection Against Refoulement

- conduct individualized and documented risk assessments prior to any deportation in accordance with Article 3 of the CAT Convention.

- provide individuals with legal assistance to challenge their deportation

- explicitly assess vulnerability categories, including journalists, media workers, human rights defenders, women at risk, and individuals previously affiliated with international organizations before returning individuals.

12.5 Accountability and Remedies

- promptly and impartially investigate all allegations of torture, ill-treatment, arbitrary detention, extortion, or coercive deportation should be granted.

12.6 The National Commission for Human Rights full access to immigration detention facilities and empower it to publish independent findings.

Recommendations for the follow-up procedure:

12.7 grant the National Commission for Human Rights full access to immigration detention facilities and empower it to publish independent findings.

12.8 Conduct individualized risk assessment before deportation and establish a vulnerability screening.