Key Issues of Interest

Nine Advice and Legal Aid Centres (ALAC) are operational in the main refugee-hosting areas of Pakistan’s four provinces and provide free legal support to persons of concern (PoCs). Eight of these centers are run by UNHCR’s partner, SHARP, in Khyber Pakhtunkhwa (KP), Sindh, Punjab and Islamabad Capital Territory (ICT), while one is run by SEHER in Balochistan, another UNHCR partner.

In June 2019, UNHCR and its partners provided legal assistance to a total of 1,936 PoCs. During the month, UNHCR and its partners intervened at police stations for 118 arrested/detained PoCs and secured release of all. In the majority of the cases, UNHCR and its partners managed to obtain the release of the arrested PoCs before they were formally charged by the law enforcement agencies. Most were released within 24 hours. In addition, ALAC partners represented to 52 PoCs in courts who had been charged under the Foreigners Act (dealing with unauthorized stay of foreigners) and other preventive laws (allowing preventive detention of person acting in a manner prejudicial to the integrity, security and defense of the country and public order) subsequently resulting in their release by the orders of the courts.

ALAC teams and the Ministry of SAFRON continue to take proactive steps to mitigate the risk of detention, including enhanced advocacy, pre-emptively intervening at police stations to prevent arrests and enhancing the response capacity of partners. UNHCR has developed and disseminated additional awareness raising material on legal assistance programs available for PoCs (including ALAC posters, brochures & use of social media).

When compared with June 2018 (71 Ind), there has been a significant increase of 139% in arrest and detention in June 2019 (170 Ind), majority of which occurred in the province of KP (115 Ind). UNHCR welcomes Government of Pakistan (GoP) decision on extension of Proof of Registration (PoR) cards until 30 June 2020 and will continue to disseminate the renewed PoR cards extension notification among refugee communities, law enforcement agencies through UNHCR and its partner organizations.
Access to Legal Assistance and Legal Remedies

Advice and Legal Aid Centre (ALAC) activities in 2019 include the following:

a) provision of legal intervention at police stations upon arrest/detention; b) court representation in the cases of arrest/detention and other issues regarding civil/family/tenancy matters etc.; c) individually facilitated counseling (legal advice) at ALACs and through helplines; d) out-of-court legal assistance; e) legal sessions in the form of legal camps, shura meetings and facilitated group discussions; and f) coordination with and training of law enforcement authorities including border officials and the judiciary.

In June, partner’s staff provided individual legal counselling to 401 PoCs who visited the Advice and Legal Aid Centres as well as legal advice to a total of 401 PoCs through ALAC helplines. Birth registration, police harassment, information on repatriation, PoR card modifications and asylum applications were the issues of greatest concern observed during the reporting period. Out-of-court legal assistance was provided to 37 PoCs, mostly related to police harassment, PoR card verifications, rental agreements and affidavits.

UNHCR and ALAC staff also organized a total of 42 legal camps and shura meetings, reaching 873 participants (45% of whom were women) in the reporting month. 69% of the legal sessions were held in refugee villages and the remaining sessions in urban areas of Pakistan. Through these legal sessions, refugees shared various issues affecting their communities. UNHCR partner staff informed refugees of available free legal aid and UNHCR helpline services.

UNHCR and its partners organized three capacity building workshops on refugee protection for 84 officials of law enforcement agencies in Peshawar and Muzaffarabad. Additionally, two capacity building sessions were also organized for the 48 students of a law school in Quetta.

UNHCR continues to deploy border monitors at the two official Pak Afghan border crossings — Torkham (KP) and Chaman (Balochistan) — in order to identify potential protection issues during border movements.

Refugee-police liaison committees have been established in the districts of Mardan, Sawabi, Buner and Malakand in Khyber Pakhtunkhwa after successful implementation in the districts of Charsadda, Peshawar and Nowshera to enable refugees directly approaching police.

There are 31 ALAC lawyers countrywide who provide the legal aid/assistance described above (18 in KP, 2 in Balochistan, 5 in Punjab/AJK, 3 in Sindh and 3 in Islamabad).

UNHCR is expanding its legal assistance network through the identification of pro bono lawyers in addition to the existing ALAC legal aid program.