



## POLICY PAPER PAKISTAN

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### DISCLAIMER

A country-specific policy paper provides the main points regarding the policy rules that are applied by the Commissioner General when assessing requests for asylum from a specific country.

A country-specific policy paper begins with a brief, simplified summary of the complex situation in a country of origin. The situation outline only covers the asylum-related aspects of the situation in that country. A non-exhaustive overview is then provided of the at-risk groups in the country of origin. The focus lies on the at-risk profiles that the CGRS encounters during its day-to-day work. In addition, it only covers the policy themes that are relevant for the country of origin or any special policy rules that apply to that particular country. Consequently, a country-specific policy paper does not contain a complete overview of all of the possible issues that may be faced by the citizens of the relevant country of origin.

The policy implemented by the Commissioner General is based on a thorough analysis of accurate and up-to-date information on the general situation in the country of origin. This information is collated in a professional manner from various, objective sources, including the EASO, the UNHCR, relevant international human rights organisations, non-governmental organisations, professional literature and coverage in the media. When determining policy, the Commissioner General does not simply examine the COI Focuses, drawn up by Cedoca and published on this website, as these deal with just one aspect of the general situation in the country of origin. The fact that a COI Focus could be out of date does not necessarily mean that the policy that is being implemented by the Commissioner General is no longer up-to-date.

The policy paper does not reflect the complexity of the asylum application assessment process. When assessing an application for asylum, the Commissioner General not only considers the actual situation in the country of origin, at the moment of decision-making, he also takes into account the individual situation and personal circumstances of the applicant for international protection concerned. Every asylum application is examined individually. An applicant must comprehensively demonstrate that he has a well-founded fear of persecution or that there is a clear personal risk of serious harm. He cannot, therefore, simply refer back to the general conditions in his country, but must also present concrete, credible and personal facts.

A policy paper is published for informative purposes only and is not binding in any way. No rights, of any nature, can be derived from the content of a country-specific policy paper. The information is of a general nature and is not adapted to applicants' personal or specific circumstances. A country-specific policy paper cannot therefore be used as a resource for corroborating an application for asylum or an appeal against a decision made by the Commissioner General.

The information contained in a policy paper is checked as carefully as possible. The CGRS puts a great deal of effort into updating policy papers and ensuring they are as complete as possible. Despite these efforts, it is possible that they contain oversights or inaccuracies. The CGRS cannot be held liable for any direct or indirect damage resulting from access to, consultation or use of the information published in a policy paper.

For a better understanding of the policy themes that may be dealt with in a country-specific policy paper, see web page "About the CGRS/Policy".

### 1. SITUATION OUTLINE

The security and human rights situation in Pakistan is problematic. Many citizens of Pakistan are being exposed to ethno-political or sectarian violence and the Pakistani authorities are often unable or unwilling to offer protection. The violence in Pakistan can be mainly attributed to terrorist organisations that are active in the country. These organisations primarily target members of the security services and the army, members of religious minorities and the police. In addition, Pakistan sometimes sees large-scale attacks aiming to cause a maximum number of casualties within a specific community. Religious minorities, primarily Shi'a Muslims, are generally targeted. However, such attacks are rather the exception than the rule. The security situation in the country is further influenced by flares of violence between extremist elements and government troops in the north-west of the country as well as by the nationalist uprising in Baluchistan.



## 2. PERSECUTION IN THE CONTEXT OF THE REFUGEE CONVENTION

A high number of at-risk groups can be distinguished in Pakistan. According to the situation in which he finds himself, the applicant must be able to demonstrate that he belongs to a specific at-risk group or must present additional concrete and individual facts in relation to persecution.

The following is a **non-limitative** list of population groups who risk persecution in Pakistan as encountered by the CGRS in its daily work:

- Hazaras;
- Ahmadiyyas;
- Christians;
- Shiites;
- Members of political parties;
- Opponents of the Taliban or other extremist groups;
- Persons fearing honour killing;
- Persons at risk of persecution because of their sexual orientation;
- ... .

The Commissioner General is aware of the precarious situation in Pakistan. Every asylum application is examined individually. This examination is carried out with due caution.

## 3. SUBSIDIARY PROTECTION

### 3.1. Torture or inhuman or degrading treatment or punishment

The available information shows that applicants for international protection who return to Pakistan do not face a real risk of being exposed to torture or inhuman or degrading treatment or punishment.

### 3.2. Exceptional situation of indiscriminate violence in the context of an armed conflict

The northwest of Pakistan is still ravaged by resurgent violence committed by militants and government troops. However, this is a very local conflict, which mainly affects the border region between Pakistan and Afghanistan, more particularly the tribal districts of Khyber-Pakhtunkhwa (KP) (the former FATA). These districts were added to Khyber-Pakhtunkhwa in May 2018 and are now administratively included in this province. In some districts, more particularly North and South Waziristan, the security situation is precarious and applicants from this region will be granted protection according to article 48/4 § 2 c of the law of 15 December 1980 on the basis of the general situation in their region, if they are able to prove their origin and their background and if they have no real internal flight alternative. Although the situation in the other parts of KP and in the provinces of Punjab, Sindh, Baluchistan and in Pakistan-controlled Kashmir (PcK) may seem worrying and alarming, the scope and the intensity of the violence are significantly lower than in the northwest of Pakistan.

The Commissioner General is of the opinion that there is an exceptional situation falling under article 48/4, § 2, c) of the Aliens Act only in the Federally Administered Tribal Areas (FATA):

- North and South Waziristan in the former FATA



In some cases, Pakistani asylum applicants from this region can escape a threat to their life or person resulting from the security situation if they settle outside their own region. When determining if an asylum applicant has a reasonable internal flight alternative, the Commissioner General will always take into account the general circumstances in the region considered and the personal situation of the applicant.

#### **4. EXCLUSION**

The CGRS will always investigate whether persons fall under article 1F of the Refugee Convention.

If there are serious reasons for assuming that the applicant has been directly involved in war crimes and crimes against humanity, or if it is clear that he had a commanding role in such acts, he will be excluded from the Refugee Convention and from subsidiary protection status.