CONSULTATIVE DIALOGUES ON “CITIZENSHIP RIGHTS TO REFUGEE CHILDREN AND STATELESS PERSONS”

Pakistani premier’s citizenship offer to Afghans meets ire at home but gratitude in Afghanistan

Pakistan’s Imran Khan pledges citizenship for 1.5m Afghan refugees
PM’s offer reverses decades of hostility in official policy but analysts question motives
Message from SHARP-Pakistan

SHARP-Pakistan and Refugee Rights Network (RRN-Pakistan) fully endorse the humanitarian vision of Prime Minister of Pakistan and stand with the government of Pakistan towards the positive initiative of the Prime Minister.
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Introduction/Background

Prime Minister of Pakistan, Imran Khan proposed the integration policy for Pakistani born refugee children and stateless persons. This idea was widely appreciated by all the stakeholders across the globe except some quarters in Pakistan who has reservations on this issue. He thereafter invited suggestions in this regard while speaking in the parliament.

By endorsing the humanitarian stance of PM, SHARP-Pakistan voluntarily started advocacy campaign to further strengthen and support the PM’s vision and the government of Pakistan by engaging all the relevant stakeholders to bring together their suggestions for durable solution.

Pakistan has been hosting millions of Afghan Refugees and accommodating stateless people on its soil for decades truly on humanitarian grounds. It has always been sincerely supporting and contributing towards the solution strategy for the long-standing issue of Afghan refugees. Though Pakistan is not a signatory to UN Convention of Refugees 1951, yet despite all odds, government and people of Pakistan are generously hosting a large number of refugees for such a long time respecting international obligations. International community has always been appreciative of Pakistan’s contributions and sacrifices towards refugee cause. Despite numerous internal and external security challenges and economic hardships, Pakistani nation, government and its worthy institutions protected refugees and perhaps it is the sole example in the world that communities are living together peacefully for four decades.

The solution strategy requires continuous discussions, dialogues and consultations among the stakeholders to understand the real challenges and adopt practical approach towards the durable solution for the most protracted issue of refugees and stateless persons in Pakistan.

Consultative Dialogues:

Keeping in mind the above situation, SHARP-Pakistan and Refugee Rights Network (RRN-Pakistan) planned to organize a series of nationwide consultative dialogues to brainstorm, to share views to understand the reservations and seek feedback from the organizations and relevant stakeholders for providing support to the government on the issue to discuss the durable solution for the most protracted refugee situation in Pakistan in the light of refugee management policy adopted by federal government in February 2017 and the recent positive development after the humanitarian statement of Prime Minister of Pakistan considering the citizenship to refugee Children and stateless persons living in Pakistan, by engaging stakeholders to collect their views on the initiative of the Prime Minister of Pakistan.

For this intervention, consultative dialogues were held in Islamabad, Karachi, Quetta, Peshawar and Lahore in recent months which were largely attended by different stakeholders including parliamentarians, Legal experts, academia, media, international community, civil society who discussed legal aspects and probabilities of citizenship Act. The observations, deliberations and recommendations of these dialogues are briefly explained below.
Detail of Events and Participants:

- **This series of dialogues were jointly planned, moderated and materialized by CEO SHARP-Pakistan Syed Liaqat Banori, Mr. Farhat Ullah Babar (Ex-Senator) and Mr. Afrasiab Khan Khattak (Ex-Senator) and organized by SHARP-Pakistan team.**

- **First dialogue was held in Islamabad on 3rd October, 2018.** It was attended by parliamentarians, government officials, members of international community, media persons, academia, representatives of legal fraternity and civil society including: Mr. Justice (R) Ajmal Mian, Mr. Liaqat Banori (CEO SHARP-Pakistan), Dr. Rizwan (ICMC), Mr. David Terrzi (IOM), CCAR Representative, Mr. Saleem Safi (Journalist), Mr. Ahmer Bilal Sufi (international law expert), Mr. IGOR Ivancic (UNHCR Representative), Mr. Hassan Khan, anchor, journalist, Dr. Aslam Khaki (Advocate Supreme court) and Allah Bukhsh Balouch (SPO). The dialogue was moderated by Mr. Farhat Ullah Babar (Ex-Senator) and Mr. Afrasiab Khan Khattak (Ex-Senator), MR. Mudassar Javed (Director SHARP-Pakistan) hosted the event.

- **Second dialogue was held in Karachi on 26th November, 2018.** Dialogue was chaired by Mr. Farhat Ullah Babbar (Ex-Senator), Mr. Afrasiyab Khattak (Ex-Senator) was guest of honor, and Mr. Mazhar Abbas (Journalist GEO/Jang), Mr. Yaseen Azaad (Ex-SC Bar president), Former Justice Shariat Court Shafie Mohummadi were speakers. Session was facilitated by advocate Ali Palh (Refugee Rights Network Pakistan) and attended by other different political parties, media personnel, Bar members, civil society actors and NGOs. Asia Pacific Refugee Rights Network (APRRN) and SNAP (Network for Stateless for Asia Pacific) and Mr. Ghazanfar Agha commissioner Afghan refugees also attended the event.

- **Third dialogue was held in Quetta on 29th November, 2018.** Event was attended by former Senator Mr. Farhat Ullah Babar, Mr. Afrasiab Khattak (former Senator) Mr. Liaqat Banori (CEO SHARP-Pakistan), Mr. Agha Hassan (MNA BNB M), Senator Usman Kakar, Ms. Shakeela (MPA BNB M), Mr. Asghar Achakazi (MPA), Mr. Wahidullah (Afghan Consulate), Mr. Arbab Talib (CAR Baluchistan), Ms. Fatima (child rights activist), Ms. Fehmida (Livelihood institute), Mr. Ali Khan (UN Consultant), and MR. Mudassar Javed (Director SHARP-Pakistan).

- **Fourth dialogue of the series was held in Peshawar on 11th December 2018.** Session was attended by Mr. Ajmal Wazir (KP Govt. spokesman), Mr. Abbas Khan (Commissionerate for Afghan refugees), Ministry of SAFFRON, UNHCR, Afghan Management & Repatriation Cell (Home department), Mr. Fahatullah Baber (Ex Senator), Mr. Afrasiyab Khattak( Ex. Senator), Ms. Samar Bilour (MPA) and Mr. Himayat Ullah Mayar. JUI, JI and PTI representatives.

- **Fifth dialogue was held in Lahore on 28th December 2018.** Event was joined by honorable guests from various walks of life including: Mr. Laiqat Ali Banori (CEO SHARP Pakistan), Mr. Fahatullah Baber (Ex-Senator), Mr. Afrasiyab Khattak (Ex-Senator), Madam Justice (R) Nasira Iqbal, Mr. Noor Samad Khan (President Lahore High Court Bar Association), Mr. Momin Sultan (president Lahore Tax Bar Association), Mr. Hassan Iqbal Warraich (General Secretary Lahore High Court Bar association), Mr. Hafiz Allah Yar Sipra (Finance Secretary Lahore High Court Bar Association), Mr. Naveed Inayat Malik (Deputy Attorney General Govt. Of Punjab), Mr. Sharafat Khan
(Media Co-coordinator Pakistan Bar Council), Mr. Fawad Aslam Ramay (Senior Vice President Lahore Bar Association), Mr. Zameer Jhedhu (Former Vice President Lahore Bar Association), Mr. Shehzad Khan Kakar (Former Vice President Lahore Bar Association), Mr. Rana Saeed Anwer (Former Vice President Lahore Bar Association), Mr. Qamar Shahid Meyo (Former Vice President Lahore Bar Association), Mr. Ahmed Kamal Yousaf (Former Secretary Lahore Tax Bar Association), Mr. Zulfiqar Sag (SP Police Govt of Punjab), Mr. Shoaib Meraj (Ex-Deputy Attorney General Lahore Bar Association), Ms. Naila Rana (Chairperson Human Rights Lahore Bar Association), Dr. Hammad Khan (Assistant Professor University of South Asia), Mr. Faizan Warraich (Senior Reporter The Nation), Mr. Anwer Haqie (Senior Journalist The Jang Groups), Mr. Hafza Mazhar (Coordinator UN Women) and Mr. Rana Tariq (Chairman Union Council 116).

**ISLAMABAD on 3rd October, 2018 (Consultative Dialogue on “Citizenship Rights to Refugee Children and Stateless Persons”)**

**Syed Liaqat Banori, CEO SHARP-Pakistan**

Syed Laiqat Banori who is also chair of Refugee Rights Network (RRN-Pakistan) appreciated the person of Prime Minister Imran Khan who has a vast background of social work to his credit that he showed a compassionate desire to improve the life of Afghan refugees by giving citizenship rights to their children born in Pakistan and stateless persons who have been living in Pakistan for decades. He added that the statement of the Prime Minister was a big step in the right direction to reduce the sufferings of these communities living on Pakistani soil. He observed that it was a humanitarian issue which should be tackled by all stakeholders irrespective of their political views and nationality, and when prime minister has desired for solution of this issue we all need to support and strengthen his vision. He invited the participants to come out with solid recommendations / suggestions for solutions to the problems faced by Afghan children and stateless persons. He assured the participants that SHARP will do whatever is possible within its means and resources. He made clear that this advocacy is not on direction of any quarter but just a voluntary endeavor on humanitarian basis, simply supporting humanitarian vision of the prime minister and the views would be shared with government through ministry of SAFRON expecting some positive action in the best interest of the country.
Mr. Farhatullah Babar (The Former Senator)

Mr. Farhatullah Babar briefed the audience with the background of the issue and national and international responsibilities. He very categorically declared the announcement of prime minister a humanitarian step towards the peaceful solution of the refugee issue and therefore keeping aside their political affiliations they support this humanitarian initiative and while appreciating SHARP-Pakistan for arranging this very timely dialogue suggested to increase and enhance the spectrum of advocacy to other parts and groups of the country to create general consensus among the stake holders.

He observed that a proper preparation is required to deal this issue with solution prospective. He said that deliberation amongst stakeholders will bring productive outcomes including removing the misconceptions and observations of certain quarters through dialogue and assured that he would convey the views of participants with his party for formulation and support of policies in parliament.

He asked the participants to explore;

- What should be done?
- What can be done?

While concluding his remarks Mr. Farhatullah Babar gave the following recommendations:

- A comprehensive survey should be carried out to collect accurate data of Afghan Refugees and stateless persons living in Pakistan.
- Emphasized that SAFRON being a focal Ministry should implement the decisions taken by the Federal Cabinet in February 2017 to the effect that:
  - “National Refugee law is implemented”
- Afghan refugees should be categorized according to their education and professions such as doctors, engineers, male/female and children.
- SHARP-Pakistan should put up/ suggest a draft legislation to legislate a law on refugees for review before the jurists to have common and acceptable ownership with the help and support of Ministry of SAFRON Ministry of Law and Interior ministry.
• The government should form a parliamentary committee comprising MNAs/ Senators to hold public hearings to listen to the inflictions suffered and sustained by Afghan refugees since February 2017.

• A committee of the Senate of all its 104 members may be formed who may discuss the issue of Citizenship Rights to Afghan Children and stateless persons and recommend to the government within sixty days steps required to alleviate their sufferings.

• Intra marriages between Afghan female and Pakistani males and vice versa should be dealt with as per requirement of international as well as Pakistani local laws.

• A Civilian Rehabilitation Fund should be established to take care and help the wounded Afghan refugees and civilians in Pakistan.

• Assured that he would convey the views of the participants of the dialogue with his party men for formulation of policies in the National Assembly and Senate.

• Voices should be raised at every level and this kind of forums should be arranged more frequently with all the relevant stakeholders, and encouraged SHARP-Pakistan to lead it nationally.

• Until or unless all Afghans are not getting registered, implementation of 14 Foreigners Act and harassment should be stopped.

He ended stating that we earnestly support the PM’s statement and stand by him for future course of action.

**Mr. Afrasiyab Khan Khattak, the Former Senator**

Mr. Afrasiyab Khan Khattak while speaking on the subject dilated on the history of migration to the sub-continent from Afghanistan, Central Asia and India; and a history of co-existence between the host and immigrants on the soil of Pakistan. He continued saying that first of all we should look into history because refugees’ problem is not new for Pakistan; it has been continuing from last so many years particularly after partition millions of refugees came to Pakistan from India. If we go behind centuries many immigrants came from Afghanistan and other countries as well. The people living in Peshawar valley came in 16ths century from Kabul including Yousafzais and Raheemzais, we have proud to have them.
In beginning they were spread out in Pakistan like Karachi, Hyderabad now most of them are living in Sindh. In my school days I saw so many Urdu speaking refugees in Bannu, they purchased properties there. So far as Afghan refugees are concerned we have strong cultural bonding with them, now living every province of Pakistan as we are a generous nation.

He observed that the people of Pakistan have been very generous who accommodated immigrants in bulk and never ever has been any clash between the host and refugee communities. He gave the examples of immigrants from all over India to Pakistan in 1947 and their integration and hoped that the issue of Afghan refugees would be solved in that spirit.

He argued that as a civilized country we should recognize the best international practices with regard to immigrants as under:

a. Repatriation (voluntary and dignified)
b. Resettlement
c. Absorption /local Integration (to give nationality to those who want to stay permanently particularly those who are born on a soil)

He dispelled the concern of some elements that absorption of Afghan refugees would change the demography of Pakistan and shared few recommendations at end by endorsing recommendations of Mr. Farhat Ullah Babar.

- He stressed upon all stakeholders to address the concerns of such elements through dialogue and discussions.
- He said that as FATA has been merged into KPK, the task of citizenship should be assigned to Ministry of Interior and Ministry of Human Rights beside ministry of SAFRON the key ministry looking after the refugee community. Either a parliamentary committee or a committee having membership from all political parties should continue deliberations to find ways and means to settle the issue of Afghan refugees and right of citizenship to their children.
- Attention should also be given to the sufferings of Afghan refugees who are behind the bars. This is a serious issue which needs attention of humanitarian organizations.
Mr. Ahmer Bilal Soofi: International Law Expert and former Law Minister

Mr. Ahmer Bilal Soofi briefed the audience about the legal framework and the history of the laws dealing with refugees and migrants with shortcomings and problems related to this legal framework. He also discussed international laws, national responsibilities and possibilities of revisiting the laws dealing with the refugees and stateless persons. He suggested that concerns of certain quarters should be addressed as the international law on the issue framed in 1952 was behind time and could not meet certain requirements. He stressed upon the need to legislate on the issue. He fully agreed to deal with the issue of married couples of Pakistan and Afghanistan as per laid down law, however he stressed upon the need to have full statistics of Afghan refugees before embarking upon new legislation on the point.

He said that many of the Afghans living in Pakistan were not migrants (refugees) but economic migrants who were carrying out lucrative businesses but were not paying taxes to either of the states (i.e. Pakistan or Afghanistan). He emphasized on the need for revisiting the existing laws and introducing new legislations in view of the existing situation. He offered his full support in any such endeavor.

Dr. Aslam Khaki (Jurist/Consultant)

Dr. Aslam Khaki in his views placed following suggestions:

- The case of citizenship is a humanitarian one instead of political, religious or ethnic, while dealing with asylum we must not involve any religious and ethnic affiliations.
- Repatriation is the first solution and if no one wants to repatriate due to certain reasons, they have the option of local integration as per international law and that to be respected.
- Generally Afghan refugees depend on private businesses but we must provide jobs to them according to their education and experiences.
- There must be a forum on NGO level/association to discuss their issues and extend continued support in solution of their issues.
Allah Bakhsah Baloch (SPO)

Allah Bakhash Baloch, while taking part in the discussion said that all Afghan refugees must be get registered with NADRA according to their age group and should have clarity whether they want to stay in Pakistan or not. As per UNHCR there are 1.4 million afghan refugees in Pakistan but still some people reportedly unregistered, so that also be brought into account. He further recommended that the offer should be given to the children through getting their consent for their willingness to stay. It would be much better if both the countries have an agreement of this issue.

He added that after naturalization all the provinces of Pakistan must play their role and come forward to adopt them proportionately for integration.

IGOR Ivancic (Assistant Representative, Protection from UNHCR)

Mr. Igor stated that the UNHCR welcomes the initiative of the PM and stands ready to support the GoP in that regard. He further acclaimed that despite the fact that Pakistan does not have a specific refugee legal framework; it has been very generous in providing protection and accommodating Afghans for the last 40 years.

He shared below recommendations;

- The distinction between the refugee legal regime and the proposal to accord citizenship to Afghan and Bengali children born on the territory of Pakistan needs to be made; however, it is clear that the history of the management of Afghan refugees in Pakistan has bearings on the proposal of the PM.
- In the context of calls for refugee legislation it is important to note that the draft of Refugee Law has been prepared and is with the SAFRON
Hassan Khan (Anchor Khyber TV)

The renowned journalist and anchor of Khyber TV while taking part in the discussion highly appreciated the prime minister for his humanitarian vision and SHARP-Pakistan for arranging this dialogue which is a good beginning of the support and encouragement to the PM initiative through public forum.

He suggested that:

- All stakeholders should be engaged to sensitize to resolve this issue
- Media, civil society, parliamentarians and all other relevant groups should also be engaged

Justice (r) Mian Muhammad Ajmal (Supreme Court)

Mr. Justice Mian Muhammad Ajmal while taking part in the discussion said that it is a very good dialogue and it should not stop here but for the purpose of public attention it should be continued widely and stretched to other provinces. He said that I have just one observation that we are discussing about the citizenship of Afghan children only what about their parents? We must also keep them under consideration.

Dr. Rizwan (ICMC)

- Statistics are very important point that is relating to the issue and we must complete our homework and use those statistics in reality and practically.
- The world must also come forward to support Afghans, naturalizations, integration and rehabilitation.

Haider Imtiaz (Lawyer)

Mr. Haider Imtiaz a young lawyer pointed out that there is discrimination in Citizenship Act 1951, that if Pakistani male get married with afghan female or other foreigners the citizenship will be transferred to that lady but if a foreigner male get married with Pakistani female the citizenship will not be transferred. This discrimination must be abolished.
He emphasized on the dire need to work on National Refugee law and appreciated government for taking positive steps towards it.

**David Terzi (Head of IOM)**

He appreciated the efforts of SHARP-Pakistan for arranging this very timely dialogue and endorsed all recommendations given by the worthy participants. He suggested the formation of a task force for the purpose.

**CCAR Representative**

The director from CCAR office shared delight towards the dialogue and fruitful discussion. He stressed on more events/dialogues and asked for the minutes of the meeting to be further taken with CCAR and relevant ministry for future support and action.

**Umer Gilani (Advocate High court)**

Mr. Umer shared his views on Pakistan’s Citizenship Law and said that the Citizenship Act, 1951 provide all rights to refugees. There is no need to amend the existing law as the Citizenship Act, 1951 already recognize to acquire the citizenship by birth, so afghan children born in Pakistan are already citizens of Pakistan.

**Mr. Saleem Safi (Journalist)**

Mr. Saleem Safi, a senior journalist taking part in the discussion fully endorsed the views of participants. However he was of the view that humanitarian organizations should lay greater stress on the state of Afghan refugees and prisoners in Pakistani jails as there were gross violation observed while dealing with their cases.

He also observed that Afghan Refugees were not treated well either in Pakistan or Afghanistan.
• It is a humanitarian issue which needs to be looked from that perspective, irrespective of political affiliation.

• He fully supported the PM Imran Khan’s stance on the issue and stressed that all the stakeholders should play their due role.

• He also pressed on the data collection/ surveys to sift different classes amongst Afghan Refugees.

Mr. Mudassar Javed (Director SHARP-Pakistan)

Mr. Mudassar also endorsed the views and recommendations from the participants and argued that though Pakistan is not a signatory to Convention on Refugees 1951 or its protocols of 1967 but Pakistan has singed seven international human rights conventions and under these commitments Pakistan has obligations to cater refugees and stateless persons living in Pakistan.

He said that Pakistan stands tall among international community for its humanitarian approach towards refugees and for that all Pakistanis public, government security agencies and other institutions have lots of sacrifices and contribution.

KARACHI on 26th November, 2018 (Consultative Dialogue on “Citizenship Rights to Refugee Children and Stateless Persons”)

After comprehensive deliberation and discussion, participants came up with following points and recommendations:

Mazhar Abbas (Senior Journalist/Analyst)

Mr. Mazhar said that it’s a dilemma that we have not given the proper attention to the issue of Refugees and the issue of Bengalis living in Karachi since decades. He raised a question that why the Bangalies were not included in the senses of Pakistan and they are living without any citizenship rights. The children of such Bangalies are suffering due to their status being not citizen of Pakistan. Mr. Mazhar urged to have a parliamentary committee to address the issue of refugees as well as stateless Bangalies.
Mr. Yasin Azad (Former President Supreme Court Bar)

He mentioned that there is a lack of planning within the Government institutions to deal with the issue of Refugees and stateless persons. He urged for the reforms in the citizenship Act. And it should be made according to the needs and keeping in view the international norms. Mr. Azad added that the statement of Prime Minister in respect of citizenships to the children of Afghan Refugees and Bengalis has been issued without any homework as no strategy has been formulated so far. He urged that the Bengalis who are still calling them a Pakistani national are in need of Government attention to resolve their issue as it is a political issue as well so all the political parties should be taken on board.

Mr. Justice Shafi Mohammadi:

Mr. Shafi Mohammadi pointed out that the best forum to address the issue is the Parliament as it is the apex and powerful forum of Pakistan. He added that being a Muslim we should help the Afghans who are affected by long warfare in their country. He urged that we should also take help from such countries that have the expertise and experience to deal with the issue of refugees and stateless persons.

Mr. Gazanfar Ali Agha (Commissioner for Afghan Refugees in Sindh)

He mentioned that we just follow the instructions from the Government of Pakistan as we work under the directives of Ministry of SAFRON therefore we cannot take any initiative at our own hence whatever is the Government’s policy or instructions is given to us we follow that. He further added that we cannot intervene into the domain of Law enforcement agencies as they work under separate ministry.

Others Participants’ views:

Besides all the above participants who expressed their vies there were some other who extended their vies in the session and that includes the representatives of Jamat—Islami Mr. Najeeb Ayubi, then representatives of Qaumi Awami Tahraik of Mr. Ayaz Latif Paleejo and Rana Asif from Initiator NGO, Mr. Naeem Khokhar from Jang News Group and some lawyers expressed their views and urged to have a proper policy by the Government on the issue of Refugees and Stateless persons.

- **Acknowledgement of Refugee & Stateless Issue:**

  Statelessness issue has not been recognized by Pakistan Government, international community & even by stateless people themselves due to the potential fear of action.
by authorities despite the fact they are living in Pakistan since decades and this is high
time to formulize this vulnerable community, which is the fundamental reason behind
the long lasting unresolved issue. Pakistan Government shall acknowledge issue and
deal it in a proper manner as both humanitarian and human rights issue.

- **Legal Framework:**
  Currently Pakistan does not have law to deal with refugees and stateless. They are
  being charged under Foreigner’s act. New comprehensive legal framework should be
drafted and get passed from parliament which should be in compliance of both
constitution and international law.

- **Ratification of International Law:**
  Speakers and all participants called for the ratification of Rome Statute, Refugee
Convention 1951 and 1967 protocols, UN Convention on Reduction of Statelessness
and law implementation and compliance of all human rights conventions already
ratified by the Pakistan.

- **Data Collection :**
  Speakers and participants also highlighted the core issue of unavailability of authentic
data on both issues and even the relevant intuitions do not possess the exact numbers
on refugees and stateless persons. SAFRON, CAR offices and NADRA shall work
together with the support of UNHCR & civil society in collection of reliable data.

- **Tripartite Symposium:**
  Since Iran, Afghanistan, Pakistan is the main stakeholders, so these three countries
should sit together and find permanent and durable solution of these issues. The
potential stakeholders from all three countries shall be supported by UNHCR and
international community and regional civil society to consider and agree on timeline
of sustainable and durable solution to end the crisis.

- **Sharing Equal Responsibility:**
  Issues should be dealt candidly on human rights and humanitarian grounds beyond
any political consideration & interests. So all provinces /federating units should take
equal responsibility of these two issues faced by the country. Moreover, objections
and concerns raised by the provinces/host populations must be addressed before
making any decision at federal level.

- **Extension of POR Cards:*
  Further extension of POR cards should be pragmatically done after much deliberation
to find strategic permanent solutions.

- **Temporary Protection:**
  State must come forward wholeheartedly to protect registered refugees and stateless,
who have been living for long time. They should not be harassed by state authorities
or non state actors for money or other gains. State institutions facilitate systems for
the fulfillment of their immediate rights unless their issue of identity is resolved.
QUETTA on 29th November, 2018 (Consultative Dialogue on “Citizenship Rights to Refugee Children and Stateless Persons”)

Mr. Liaqat Banori (CEO SHARP)

After delivering his formal welcoming remarks, stated that when the idea of holding consultative dialogue was discussed with Mr. Farhatullah Babar and Mr. Afrasiab, they keeping aside their political affiliations ensured their support and time and today we arable to hold this dialogue with their kind presence. He further added that we received overwhelming support from all quarters during our previously held sessions and today with jam-packed hall we can presume that how much people of Pakistan are willing to find durable solution for millions of people living here without knowing their fate. He thanked the guests and the participants for their august participation and requested to share their valuable suggestions recommendations.

Mr. Farhatullah Babar (Ex-Senator)

While addressing to the audience, Mr. Farhat Ullah Baber once more put forward his vision and views as he expressed during the dialogues held in Islamabad and Karachi. He thanked Mr. Banori and appreciated SHARP-Pakistan for taking lead into this historical and landmark initiative which will be written in history books for its humanitarian work.

Mr. Afrasiyab khatak (Ex-Senator)

Mr. Khatak again articulated his views as he previously stated in Islamabad and Karachi. He further added that under the citizenship act, Pakistani law recognizes the children and their citizenship, but we do not respect our own laws and the crisis of refugee and stateless children is mounting. He also appreciated SHARP-Pakistan for its generous efforts to address the issue solely on humanitarian grounds.

UNHCR Representative (Elza Marzaganova) Quetta

Ms. Marzaganova welcomed the statement of the Prime Minister of Pakistan regarding the integration policy for Pakistani born refugee children and stateless persons. She appreciated the dedication and kindness with which Pakistan has been hosting Afghan refugees for the last four decades. She also greatly appreciated SHARP-Pakistan to initiate comprehensive debate to find the durable solution for the said issue.
**Ms. Shakeela (MPA)**

She emphasized on the need of more deliberations with bearing in mind the sensitivity of the issue. Also recommended comprehensive engagement of regional stakeholders and suggested that all refugee children and stateless person should be equally accommodated among all the provinces.

**Mr. Agha Hassan (MNA BNB M)**

Mr. Agha Hassan thanked the organizers and appreciated sincere efforts for arranging this dialogue. He suggested that there are already many issues in this area and there should be strict criteria to award the nationalities to people and if that was allowed without proper security checks it could further worsen the situation in the area.

**Mr. Usman Kakar (Senator)**

Mr. Senator appreciated the organizers and recommended that national refugee law should be enacted on priority basis to resolve the issue. He also promised to take the issue on the floor of the senate.

**Mr. Asghar Achkzai (MPA)**

Mr. Asghar appreciated the SHARP Pakistan for conducting the session and suggested long term durable solution through mutual understanding of both countries Pakistan and Afghanistan. He further suggested engaging other regional counterparts for the durable solution.

**Mr. Wahidullah Mohammed (Afghan Consulate)**

Mr. Wahid appreciated the generous contribution of Pakistan for hosting millions of Afghans for years. He also applauded the kind gesture of the government and emphasized the need for debate at the government level. Afghans are unable to go back at the moment because of numerous reasons including unstable security situation and lack of economic opportunities.
Mr. Ali Khan (UN consultant)

Recommended to establish group of think tanks at national level having the representation from all sectors and investing in youth education and creating more livelihood opportunities until the final decision of their fate.

Ms. Fatima Nangial (child rights activist)

She was of the view that we should take this issue totally on humanitarian grounds and considering the basic rights of children to have identity/nationality as per law of the land. She was further assertive by adding that children are children and there should be no discrimination among Pakistani or refugee children.

Ms. Fehmida (livelihood institute)

Ms. Fehmida recommended the urgent need to invest more resources in both girls and boys of Afghan refugees for their skill development and economic independence, otherwise youth are more likely to adopt anti social and risky behaviors.

PESHAWAR on 11th December 2018 (Consultative Dialogue on “Citizenship Rights to Refugee Children and Stateless Persons”)

Syed Liaqat Banori (CEO SHARP)

Session was hosted by Syed Liaqat Ali Banori who formally welcomed all honorable participants. Mr. Banori fully endorsed the statement of Prime Minister Mr. Imran khan regarding citizenship of Afghan Refugees and on the basis of Imran Khan’s vision, SHARP – Pakistan has also arranged seminars on National level in Islamabad, Quetta and Karachi involving intellectuals and stakeholders from different fields.
Mr. Ajmal Wazir (KPK Govt Spokesman)

Mr. Ajmal Wazir KP Government Spokesman expressed his views that different categories are established in the light of this policy and for which maximum support shall be given.

He further added whenever SHARP concluded the said Consultative Dialogue the recommendations /suggestions of all stakeholder may be shared with KP Govt through CAR KP for further discussion with Federal Govt.

Mr. Farhatullah Baber (Ex-Senator)

Mr. Farhatullah Baber in his remarks appreciated Mr. Imran Khan’s stance and expressed his full support with his initiative. He said that authentic data of Afghan refugee is very crucial and local integration of Afghan refugee will be a huge success and for that purpose formation of legal framework is important.

Ms. Samar Bilour (MPA)

Ms. Samar Bilour MPA in her remarks said that 5 months ago she lost her husband in a terrorist attack so many said that the terrorists were Afghans but I told my children that Afghan Refugees are not terrorists in fact they are the victims of terrorism. She also added that we should understand the fine lines between terrorism and humanity. At the end she appreciated Mr. Imran Khan’s initiative and extended her full support towards such a noble act.

Mr. Afrasiyab Khatak (Ex-senator)

Mr. Afrasiyab Khattak in his remarks said that we have been sacrificing for the last 40 years. Afghan Refugees are settled in Pakistan so local integration will not be an issue. Government should provide a platform for inter - provisional dialogues and also should work on formation of alternative long lasting personal residence for Afghan refugees. At the end he said that it is a humanitarian issue and should be tackled accordingly.

Mr. Hamayat Ullah Mayar

Mr. Himayat ullah Mayar expressed his views and said that this issue can be handled and solved through internal dialogues. We have always welcomed Refugees and till now they are living happily in Pakistan and have assisted us in every field so local integration will not be an issue since they are already settled and have started families here.
Mr. Abbas Khan Commissioner CAR

Mr. Abbas Khan who is authority on refugee issues expressed that Afghan Refugee issues are ignored and suppressed due to their negative perception. Like us Pakistanis they are also the victims of terrorism activity. If they are provided with their basics rights they can play a very crucial role in our economy. He further added that dialogues in community are very important for this issue and he appreciated the efforts made by SHARP in this regard. He said that the citizenship is not the only option but permanent residence could also be offered as international practice in many countries.

LAHORE on 28th December 2018 (Consultative Dialogue on “Citizenship Rights to Afghan Children and Stateless Persons”

Syed Liaqat Banori (CEO SHARP)

After welcoming remarks, Mr. Syed Liaqat Banori briefed the audience about the Society for Human Rights and Prisoners Aid (SHARP), its establishment, vision, mission and its engagement with various partners particularly with UNHCR since its inception. He logically highlighted the importance and purpose of the meeting by saying that the Prime Minister of Pakistan Mr. Imran Khan, who has given a positive statement regarding the delivering of Citizenship Rights to be transferred to the stateless people who have been residing in Pakistan and according to the view of the Prime Minister, he emphasized on the Afghan Children stating that they are born in this soil are legally entitled of citizenship as a matter of right. However the government has all the right to decide its policy according to the state policy. SHARP Pakistan after getting encouraged with the statement of PM felt that it is high time to conduct a Consultative Dialogues between the Politicians, Legal Fraternity, The Bar and Bench, Media related authorities and the Law making/enforcing people so that a clear view could be generated regarding to the thoughts and their recommendations by such high profile participants be placed before the competent authorities.

Mr. Farhatullah Baber (Ex-Senator)

According to Mr. Farhatullah Baber a comprehensive survey must be conducted in order to collect accurate data. Since, no complete official data of Afghan refugees is on the record. All Afghans living in Pakistan must be registered by NADRA. The parliamentary committee under SAFRON must be empowered to hold public hearings on Afghan issue; all stakeholders must be invited including Afghan representatives. He further added that we also need to establish a civilian refugee victim’s rehabilitation fund in order to support them. There is dire need of legislation for refugees, as no refugee law is available in Pakistan. SHARP must draft a law for refugees; my party will take up this draft in the parliament. Until or unless all Afghans do not
get registered, it is hard to differentiate how many of them are charged U/S 14 of Foreigner Act and harassed. Ministry of SAFRON, which is focal ministry must come forward and explain what steps have been taken by it for Afghans living in Pakistan.

**Mr. Afrasiyab Khatak (Ex-senator)**

Mr. Khattak was of the view that thousands of refugees are behind the bars without committing any offence, these prisoners need attention and must also raise this issue. He further emphasized on the need of continuous and structured dialogue on this issue either under a parliamentary committee or a committee including all political parties, stakeholders and civil society for exchanging of views.

He urged for a campaign inside and outside the parliament for positive image building regarding Afghan refugees.

**Madam Justice (r) Nasira Iqbal**

Madam Nasira Iqbal was of the view that Pakistan has been hosting the refugees from the last 40 years but still no legislation has been drafted related to the citizenship matter and no policy development has yet been drafted regarding the refugees living in Pakistan. She strongly recommended that strict and positive action should be taken so that the resolution of the said issue can be made out in an amicable manner. She further appreciated the work of SHARP for highlighting such a sensitive issue. She criticized the Zia regime for taking advantages of refugees but not providing any tangible policy or legal framework but still not late and if any policy is drafted today will be better for everyone.

**Mr. Naveed Inayat Malik (Deputy Attorney General Punjab)**

Mr. Malik firstly congratulated SHARP for organizing such a huge event and appreciated the team for its hard work. He further added that there must be a conceptual clarity whether it will be a dual nationality in case if Pakistan is awarding them status of citizenship. To grant citizenship, is an entirely falls under the domain of the Government of Pakistan and the Government of Afghanistan should also needs to be taken on board in this matter, He further said that there must be bilateral dialogues on both sides, on the main issues highlighted by both countries.
Mr. Iqbal Warraich (General Secretary Lahore High Court Bar Association)

The Young and energetic Secretary General of High Court Bar Association Mr. Warraich stated that such kind of events should be organized on a higher scale so that positive image can be generated on this issue. He endorsed the statement issued by the Prime Minister of Pakistan and claimed that refugees and specially Afghans Nationals are an asset of Pakistan and this issue should be resolved in a brotherhood manner. He further added that the High Court bar forum is available for SHARP-Pakistan and Lahore High Court Bar Association would happily offer all possible support to conduct an All Pakistan Lawyers Conference on this important issue whenever planned.

Mr. Momin Sultan (President Tax Bar Association)

Mr. President was of the view that the case of citizenship is a humanitarian one instead of ethnic. So while dealing with the issue of asylum, religion must not be involved in it. By and large, Afghans depend upon their own businesses but we must provide them with jobs according to their education and skills. The Afghan children have been born here and they have been taking education from our institutions. Now it is high time that the Government of Pakistan should take bold steps towards citizenship matter so that this community can actively participate in the economic growth of the country. He further added that we must make our border safe to reduce security threats. According to him Repatriation is first solution but if no one wants to repatriate then Refugees are responsibility of Government of Pakistan. he also added that the international community may generously help in integration of refugees which may take out Pakistan from economic crisis.

Mr. Sharafat Khan (Media Coordinator Pakistan Bar Council)

Mr. Sharafat Khan also endorsed the statement of the Prime Minister. He asserted that every province of Pakistan must play its role and adopt them and there must be legislation on Refugees and their Laws.
He further added that Pakistan has been very generous for accommodating Afghans for the last 40 years. The sensitized people must be engaged to solve this issue, more media persons, civil society and Parliamentarians must be engaged. All Afghan refugees must be registered with NADRA. They must be registered according to their age group and should be clear whether they want to stay in Pakistan or not. As per UNHCR there are 1.5 million afghan refugees in Pakistan but to my understanding 1.2 million refugees are yet unregistered. He suggested that business community from Afghanistan interested in business in Pakistan be accommodated on priority because they have skill and resources which Pakistan can take benefit by bringing them in to tax net. He further said such kind of sessions and dialogues should be frequently arranged. SHARP Pakistan and other organizations must come forward to take the lead.

**Conclusion:**

Overall series of dialogues went well and generated many positive outcomes. Participants appreciated the much needed dialogues and commonly suggested such regular dialogues which helped in understanding the issue and benefited from the highly respected seasoned politicians and other participants which actually changed their perception towards Refugees by logical presentations. Participants discussed generous contributions of people and government of Pakistan for hosting refugees’ population for such a long time and stressed on the international community to put more resources into the cause and to acknowledge Pakistan’s contributions at global level.

Being a regional issue a regional dialogue among the potential stakeholders from Pakistan, Afghanistan and Iran was suggested by the participants through ministry of SAFRON with the support of international community.

Representative of the civil society highly appreciated the recommendations and pledged to strengthen and support stance of Prime Minister of Pakistan and his humanitarian approach towards the people living in Pakistan for decades without knowing their fate.

More political will is required from Pakistani government and native governments to device the ways to resolve the issue with concrete measures to ease tensions and misperceptions among communities. There should be complete voluntary repatriation. To minimize the vulnerabilities and disparities, of refugee and stateless persons, they should be socially
included and provided with their basics rights so they can actively participate in economic activities.

It was consensus among the relevant stakeholders that the resolving the issue of refugees and stateless persons particularly Afghans, is the prerequisite to bring peace in the region as well as it will contribute towards global peace process. Speakers and all participants called for the ratification of Rome Statute, Refugee Convention 1951 and 1967 protocols.

These dialogues not only contributed towards advocating the rights of refugees and stateless persons but also helped participants to understand the ground realities and complexities these people are going through which would further contribute towards the narrative change and present soft image of refugees and stateless person among different stakeholders and the communities for sustainable social cohesion.

This advocacy campaign also dispelled the negative image of these people of being enemies or economic burden on the host communities as participants were presented with their economic and social contribution during all these years.

**There was a general consensus on the following points:**

- **a)** All the participants appreciated and ensured full support to the statement of Prime Minister Imran Khan for showing concern for the refugees and stateless persons. They termed it a timely and appreciable step of the PTI government.
- **b)** It was suggested to meet and put more efforts on protection needs of refugees by engaging international community for sustainable support and resources till the durable solution.
- **c)** There should be a comprehensive data of all refugees which should be gathered, compiled and regularly updated to deal with the issue in a befitting manner.
- **d)** SAFRON, CAR offices and NADRA shall work together with the support of UNHCR & civil society for the collection of reliable data.
- **e)** It was recommended to establish group of think tanks at national level having the representation from all sectors.
- **f)** It was also suggested investing more resources in children and youth (girls and boys) education and creating more livelihood opportunities until the final decision of their fate.
g) It was urged to immediately address the problems of Pakistani men married to refugee women, of Pakistani women married to refugee men and, not to forget, the problems faced by the Chinese wives of Pakistani citizens in Gilgit-Baltistan.

h) The issue of refugees and stateless persons is a humanitarian issue. It needs to be looked into from that perspective, irrespective of political affiliations.

i) All the stakeholders should play their due role and have a mechanism for collaboration amongst them. Particularly, Since Iran, Afghanistan, Pakistan is main stakeholders so these three countries should sit together and find permanent and durable solution of these issues through regular consultations.

j) The influential and sensitized people must be engaged to solve this issue, more media persons, civil society and Parliamentarians must be engaged more frequently and like SHARP-Pakistan more organizations should also take lead from the Refugee Rights Network platform.

k) It was recommended that all refugee children and stateless person should be equally or proportionally accommodated among the provinces to dispel the impression of changing demography.

l) It was stressed on the need to establish a civilian refugee victim’s rehabilitation fund in order to support them.

m) Policy should be debated at the floors of federal, provincial and local government assemblies to build national consensus.

n) Security related agencies should be taken on board to take their input for policy formulation to avoid any security threat in future.

o) National refugee law should be prepared and implemented after thorough feedback of legal and jurists forums to fulfill the obligation of federal cabinet decision regarding refugee management policy adopted in February 2017.

p) Resolution of refugee problem should be part and parcel of the ongoing process of reconciliation and peace in and around Afghanistan as there cannot be a sustainable peace without addressing this vital issue.

q) Council of Common Interests (CCI) should discuss and thrash out issues of capacity & resources faced by different provinces in dealing with refugees’ problem and setting them.

r) There should be a continuous debate between the Parliament, relevant government departments and civil society for resolving the issues that may crop up in finding sustainable solution to the issue of refugee in order to avoid any stalemate.
s) In the interim period before the final solution of the refugee issues the government of Pakistan and Afghanistan should by mutual agreement provide traveling facilities for refugees between the two countries.

t) It was also suggested to engage international community to support local integration which will help in resolving financial issues of the government of Pakistan.

u) It was also recommended that the POR card holders be allowed to open bank accounts and avail business opportunities and to bring them into tax net.

Way Forward:

a) To organize grand Jirga with elders, notables and political leadership of Baluchistan province having reservations on the issue.

b) To establish group of Think Tanks (Advisory Group comprising representatives from all walk of life.) and start robust advocacy with relevant stakeholders to build national consensus regarding the issue and positively contribute on changing narrative regarding Afghan refugees.

c) To organize more consultative dialogues at different divisional/district level across Pakistan where the refugees are in abundance.

d) To initiate extensive engagements/meetings with parliamentarians, mainstream media persons and Friends of Solutions Strategy for Afghan Refugees (FOSSAR).

e) To enhance networking with regional and international networks of civil society organizations to strengthen advocacy efforts concerning the issue.

f) To Strengthen and support the Humanitarian vision of the PM and the government with the help of civil society representative and likeminded people.

g) To start Lobbying with Parliamentarians regarding initiation of national refugee law.

h) To engage Legal experts for the technical support regarding national refugee law.

i) Strengthening the national network for refugees for collective support in form of advocacy, protection and solution.
Press Coverage

Speaker call for enact refugees law in Pakistan

Published on: November 30, 2018
By Our Reporter

QUETTA: Speakers at a seminar on Afghan refugees in Quetta today called for enacting a Refugees Law including the internally displaced persons keeping in view all factors.

DAWN

Calls for refugee law to protect IDPs

Published on: November 27, 2018

KARACHI: Senior politicians, seasoned lawyers and human rights activists on Monday called for enacting a refugee law to include the internally displaced persons in the country. The consensus came at a seminar on Afghan refugees organised by the Society for Human Rights and Prisoners Aid (Sharp) at a local hotel.
Call for enacting law to solve refugees’ problem

QUETTA: Speakers at a seminar on Afghan refugees have called for enacting a law for refugees and internally displaced persons in the country.

Politicians, experts demand legislation for refugees’ rights

PESHAWAR: Speakers at a seminar on Tuesday underlined the need for proper legislation and a solid policy for the refugees, particularly the Afghans living in Pakistan for decades.

The seminar titled “Citizens rights to Afghan Children and Stateless Persons” was organised under the banner of SHARP-Pakistan at a hotel.
Former parliamentarians stress on need to secure refugees in Pakistan

NGO SHARP-Pakistan Organized an event/ Seminar on the said issue related to the migrants and unregistered Afghan citizens residing in the premises of Pakistan in which along with political workers and respected members of Lahore bar association, Lahore high court bar association, LBA Tax bar association participated and shared their views.

NGO SHARP-Pakistan Organized an event/ Seminar on the said issue related to the migrants and unregistered Afghan citizens residing in the premises of Pakistan in which along with political workers and respected members of Lahore bar association, Lahore high court bar association, LBA Tax bar association participated and shared their views.
Legislation for refugees demanded

PRESS RELEASE

Lahore

SHARP-Pakistan, a non-governmental organization, organised a seminar on refugees in Pakistan at a local hotel here on the other day.

PPP leader Farhatullah Babar, ANP leader Afrasiab Khattak, Justice [r] Nasira Javed Iqbal, SHARP Chairman Syed Liaquat Ali Banori, Senior Vice President LBA Fawad Ramay, Secretary LCRCB Hassan Iqbal Warraich, Tax Bar President Monim Sultan and former deputy attorney general Neveed Inayat Malik participated in the seminar. SHARP Chairman Liaquat Banori was of the view that Afghan citizens contributed a lot to the economic growth of the country.

Afrasiab Khattak said that according to the citizenship law prevailing in Pakistan, accept that diplomat and the black listed countries or their residents, every child born on this soil has the birth right of citizenship of Pakistan. Farkhatullah Babar was of the view that the children of the migrants born in Pakistan should be given citizenship of Pakistan. He further stated that this statement could be a mirror and a reflection of the mind state of his party.

Justice [r] Nasira Javed Iqbal said: "Pakistan has been hosting the refugees from the last 30 years or above but still no legislation has been drafted related to the citizenship or policy development regarding refugees living in Pakistan."

Hassan Iqbal Warraich lauded SHARP-Pakistan for conducting the event. He stated that such kind of events should be organised on a higher scale so that legislation could be affected in the near future for the refugees or an asset of the country.
شکر کے لئے افغان عوام نے پاکستان کو میں آنے کے لئے پیش کر دیا ہے۔ وہاں کئی بار پاکستان کے یہ انجمن کو دیکھتا ہے اور یہ انجمن نے اوراواں کے ساتھ ایک سال کے اتفاق پر کام کیا ہے۔
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علیٰ حسین

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