

Mandates of the Special Rapporteur on the situation of human rights in Afghanistan; the Working Group on Arbitrary Detention; the Special Rapporteur on the right to education; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Independent Expert on human rights and international solidarity; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

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(Please use this reference in your reply)

12 August 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in Afghanistan; Working Group on Arbitrary Detention; Special Rapporteur on the right to education; Special Rapporteur on extrajudicial, summary or arbitrary executions; Independent Expert on human rights and international solidarity; Special Rapporteur on the human rights of migrants; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 60/2, 60/8, 62/8, 53/4, 53/5, 61/17, 58/5, 58/14, 53/9, 59/20 and 59/14.

While recognizing Pakistan's longstanding humanitarian tradition and leadership in hosting Afghan refugees, we would like to bring to the attention of your Excellency's Government information we have received concerning recent measures, including the decree issued by the Ministry of Interior on 28 June 2026, affecting Afghan nationals in Pakistan who have interim protection needs but currently lack valid immigration documentation.

Without the expedited establishment of a protection mechanism to transparently, efficiently and effectively assess, screen and protect individuals who would face high likelihood of serious human rights violations upon return, these measures place such individuals at risk of removal and *refoulement* to serious human rights violations.

According to the information received:

On 28 June 2026, the Pakistani Ministry of Interior issued a new directive to chief secretaries and security officials at the provincial level to enhance the implementation of the Illegal Foreigners Repatriation Plan adopted in October 2023. Specifically the local officials are instructed to detain and deport any Afghan national without valid documentation after the deadline of 10 July 2026. The directive requires local officials to submit daily reports of the number of Afghans found without valid documentation, and action taken accordingly by

the concerned authorities. It is unclear whether the directive provides specific instruction on how to assess and handle individuals who may face serious human rights violations upon being returned to their home country, including arbitrary deprivation of life, torture and other ill-treatment, enforced disappearance, arbitrary detention, trafficking in persons, in particular for purposes of child and forced marriage, sexual exploitation, sexual slavery, and domestic servitude, as well as the denial of education for girls and women, and flagrant denial of justice.

This directive has reportedly led to an increase in the flow of Afghans crossing the border back to Afghanistan, with approximately 59,000 crossing between 10 and 25 July 2026 alone, including at least 6,500 who were forcibly removed. Reportedly, approximately 25,600 of those crossing the border were women and children. Special Procedures mandate holders have received scores of requests from Afghan individuals, most of them women and girls, human rights defenders or journalists, pleading for protection and support in the face of imminent removal, which they see as a great risk to their lives. Others have been evicted or threatened with eviction by landlords.

On 30 July 2026, in response to a question concerning forceful removal of Afghan nationals, the spokesperson of the Pakistani Ministry of Foreign Affairs clarified that the Government had not expelled anybody with legal and valid visas or travel authorization to stay in Pakistan and that the Government had identified approximately 16,000 women, children, and elderly people, who are vulnerable, and for whom “the facility to extend their stay in Pakistan was being provided”¹. Information on the process and the criteria for identification of these individuals was not provided.

As documented in successive reports of our mandates as well as by the United Nations Assistance Mission in Afghanistan (UNAMA), the Office of the United Nations High Commissioner for Human Rights (OHCHR), and other United Nations mechanisms, there is credible and consistent evidence that certain groups of Afghans continue to face grave risks if forcibly returned to Afghanistan.²

These risks include arbitrary detention, torture and other ill-treatment and, in some instances, extrajudicial killings after their return. Documented cases support the real and foreseeable risk of irreparable harm faced by individuals with interim protection needs and underscore the importance of ensuring effective protection procedures prior to any removal. Groups at risk include, among others, women and girls, human rights defenders and other civil society actors; journalists and other media workers; artists and cultural professionals; former judges, prosecutors, lawyers, members of the former Afghan National Defence and Security Forces, former government officials and persons associated with the former government or its international allies; members of ethnic and religious or belief communities; lesbian, gay, bisexual, transgender (LGBT) and other gender-diverse persons; and persons opposing or perceived to oppose the de facto authorities.

¹ <https://mofa.gov.pk/press-releases/transcript-of-the-press-briefing-by-the-spokesperson-on-thursday-30th-july-2026>.

² See regular reports by UNAMA Human Rights Services available at <https://unama.unmissions.org/en/unama-human-rights-monitoring-and-reporting>.

With regard to women and girls specifically, the gender-based discrimination in Afghanistan has reached a level that may amount to crimes against humanity. We are particularly concerned about groups of women and girls who face heightened vulnerabilities, including: female-headed households, divorced, widowed or single women, and victims of gender-based violence, including sexual abuse and exploitation. We note that girls and women above Grade Six are barred from school or tertiary education, including training in vital areas such as health sciences. This means that teenage girls and adult women will be unable to enjoy their right to education should they be returned to Afghanistan.

We therefore urge the authorities to exercise heightened vigilance with respect to Afghan women and girls when deportations or other forms of forced return are contemplated, given the particularly grave and systematic human rights violations they currently face in Afghanistan and that are well documented by independent human rights and the United Nations. This is particularly critical for women and girls whose sex and gender intersect with other risk factors, such as being from a minority based on religion or belief, or ethnicity, being the sole head of the household or being a human rights defender, placing them at heightened risk of serious human rights violations upon return. The documented risks faced by these groups underscore the importance of ensuring that individuals at risk are identified through an appropriate protection process before any removal takes place, and that they are offered the opportunity to stay in Pakistan in conditions of safety and dignity.

We are equally concerned about reports of unaccompanied Afghan children being deported, particularly given that child sensitive reception, assistance and protection mechanisms for them are lacking in Afghanistan, and in a context where pre-existing child protection mechanisms have been dismantled by the Taliban since August 2021.

In this regard, we welcome the information provided by the Ministry of Foreign Affairs on 30 July 2026 that approximately 16,000 Afghan women, children and older persons who are deemed vulnerable were identified and measures were taken to facilitate their stay in Pakistan. However, we remain concerned that the process and criteria for identification of such individuals have not been clarified, especially given information that approximately half of those returned to Afghanistan are women and children and that the United Nations High Commissioner for Refugees (UNHCR) estimates that at least 74,000 Afghan individuals require protection.

In this context, we respectfully encourage the Government of Pakistan, in cooperation with the UNHCR, to build on existing efforts to identify vulnerable Afghans by establishing identification and protection mechanism based on clearly defined protection profiles. Such a mechanism should provide a transparent, accessible and individualized procedure through which Afghan nationals at foreseeable risk of persecution, torture or other irreparable harm – including those not already identified through existing initiatives – may be identified, individually assessed and, where appropriate, granted temporary regularisation of their legal status.

The purpose of such a mechanism would be to ensure that individuals with protection needs are identified before any decision on their removal is taken, thereby

reducing the risk of refoulement and ensuring compliance with the principle of non refoulement. At the same time, such a mechanism could enhance Pakistan's security and migration management objectives by enabling the authorities to identify and document those present on its territory who have compelling protection needs. It would also facilitate the regularisation of their status, enabling their inclusion within formal administrative systems while allowing Pakistan to continue implementing its immigration laws in an orderly and predictable manner. We are concerned that many of those individuals belonging to groups that are at greatest risk remain in hiding in Pakistan, fearing arrest or removal if they approach the authorities, while others may not yet have been identified by humanitarian organisations. This may further exacerbate their vulnerability and impede their access to protection. Such a mechanism would enable individuals who believe they fall within the defined protection profiles to voluntarily come forward to seek an individual protection assessment without fear of arrest, detention or removal. It would provide a transparent, objective, and sustainable framework for identifying and protecting persons requiring interim protection, in accordance with international human rights and refugee law.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment that you may have on the above-mentioned allegations.
2. Please detail the procedure and the criteria used to identify 16,000 individuals who were deemed to be vulnerable and whose stay in Pakistan; and what measures the Government has enabled their stay in Pakistan.
3. Please detail what steps will be taken to expediently establish an accessible procedure for the identification and issuance of protective documentation to persons at risk of harm upon return to Afghanistan and those with other humanitarian needs for legal stay in Pakistan.
4. Please detail what steps will be taken to ensure that Afghan nationals who may have serious protection needs are promptly identified and referred to an accessible mechanism without fear of immediate arrest, detention or removal, including by temporarily suspending their removal pending an individual protection assessment.
5. Please detail what steps will be taken to grant individuals found to have protection needs temporary regularisation of their legal status, or another appropriate form of lawful stay, pending the identification of a more durable solution.
6. Please detail what steps will be taken to ensure that individuals detained for immigration reasons have timely access to the UNHCR and other relevant protection actors before any removal decision is implemented.

We encourage the Government to consider resuming the issuance of visas to Afghan nationals, including student visas, particularly for students who are part-way through their studies in Pakistan, in order to avoid unnecessary disruption to their education. Such a step would build on Pakistan's longstanding and commendable legacy of hosting Afghan students and providing them with access to education, including through scholarship programmes. In doing so, Pakistan would be significantly contributing to education and human development in the region.

We trust that the Government of Pakistan will give these recommendations careful consideration in keeping with Pakistan's longstanding humanitarian tradition and its international human rights obligations.

We remain available to engage in constructive dialogue on these important issues and will continue to monitor and report on the human rights situation in Afghanistan in accordance with our mandates.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issues in question.

While awaiting a reply, we call on the Government of Pakistan, as a matter of urgency, to halt deportations of Afghan nationals, especially women and unaccompanied children, and to ensure respect for the obligation of *non-refoulement*, until the circumstances and human rights situation in Afghanistan allow for voluntary, safe, sustainable and dignified returns.

Please be informed that a copy of this letter has been sent to UNHCR.

Please accept, Excellency, the assurances of our highest consideration.

Richard Bennett
Special Rapporteur on the situation of human rights in Afghanistan

Ganna Yudkivska
Chair-Rapporteur of the Working Group on Arbitrary Detention

Farida Shaheed
Special Rapporteur on the right to education

Morris Tidball-Binz
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Cecilia M. Bailliet
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Gehad Madi
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Nazila Ghanea
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Ben Saul
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Claudia Flores
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, every effort should be made to protect the above-mentioned groups against *refoulement*. Although Pakistan is not a State Party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, it remains bound by the obligation of *non-refoulement*, which is widely recognised as a rule of customary international law. The *non-refoulement* obligation prohibits the return of any individual to a territory where there are substantial grounds for believing that they would face arbitrary deprivation of life, persecution, torture and other ill-treatment, enforced disappearance, arbitrary detention, flagrant denial of justice, or other irreparable harm. The absolute and non-derogable *non-refoulement* obligation to arbitrary deprivation of life or torture and other ill-treatment, which is considered *jus cogens* – a universal norm whereby no deviation is allowed - is codified in article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and embodied in articles 6 and 7 of the International Covenant on Civil and Political Rights (ICCPR), both of which bind Pakistan as a State Party.

In addition, all other international human rights treaties to which Pakistan is a State Party, including, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities (CRPD), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), require that immigration enforcement measures be implemented in a manner consistent with international human rights law, including the rights to life, liberty and security of person, access to due process and effective remedies, non-discrimination, protection from torture and other cruel, inhuman or degrading treatment, the principles of equality and non-discrimination, the rights of persons with disabilities, economic, social and cultural rights, and the best interests of the child. Recent recommendations of the Committees overseeing the CAT, CRC and CRPD have also urged Pakistan, inter alia, to establish a national asylum system, ensure individualized protection assessments, uphold the non-refoulement obligation, and protect Afghan nationals from forcible return where they face serious human rights risks. Customary international law further prohibits arbitrary expulsion of non-citizens and requires due process if expulsion is contemplated.³

The Working Group on discrimination against women and girls noted in its report on women deprived of liberty (A/HRC/41/33) that measures to combat terrorism and corresponding national security measures sometimes profile and target women, in particular those from certain groups, which sometimes includes female human rights defenders. It has further recommended that States ensure measures addressing national security, terrorism, conflict, and crisis, incorporate a women's rights focus and do not instrumentalise women's deprivation of liberty for the purposes of pursuing government aims. As highlighted in its report on health and safety (A/HRC/32/44), the Working Group stressed that women's safety should be addressed as an integral aspect of women's health. Women's exposure to gender based violence in both the public and

³ International Law Commission, Draft Articles on the Expulsion of Aliens 2014; see also ICCPR, article 13.

private spheres, including in conflict situations, is a major component of women's physical and mental health and the destruction of their well-being, and it constitutes a violation of their human rights.

The joint report by the Special Rapporteur on human rights in Afghanistan and the Working Group on discrimination against women and girls on the situation of women and girls in Afghanistan (A/HRC/53/21), also highlighted that undocumented returnee and migrant women and girls face significant barriers to sustaining themselves on return, as a lack of documents compounds the impact of the economic crisis. In this context, as well as considering the current restrictive measures in Afghanistan, the Special Rapporteur and the Working Group recommended States to grant support and protection to all Afghan women and girls who are outside Afghanistan, and take measures to ensure their long-term security, including by granting them refugee, protective or regular status, facilitating their safe resettlement and expanding the provision of educational scholarships and mental health services.

We also note that numerous national jurisdictions have recognized and upheld claims for refugee status based on sexual orientation and gender identity, recognizing discrimination based on sexual orientation and gender identity as grounds for persecution.⁴ Furthermore, under several international human rights instruments, and the views of interpretive human rights bodies, sexual orientation and gender identity are grounds considered under prohibitions of discrimination. States have committed themselves to the protection of refugees from persecution and discrimination in accordance with international human rights law and humanitarian law.⁵ The Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity interpret international human rights law as protecting the right of all persons to seek and enjoy asylum from persecution including persecution related to sexual orientation or gender identity. They further provide that a State may not remove, expel or extradite a person to any State where that person may face a well-founded fear of torture, persecution, or any other form of cruel, inhuman or degrading treatment or punishment, on the basis of sexual orientation or gender identity.⁶

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Article 12(1) of the Declaration provides that everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms. Article 12(2) of the Declaration provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure, or any other

⁴ A/HRC/59/43.

⁵ Para. 9.

⁶ Principle 23.

arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, article 12(3) establishes that everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.