



POLICY PAPER PAKISTAN

Date: 02/06/2015

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. Subsequently, 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 The fact that a COI Focus could be out of date, does not necessarily mean that the policy that is being implemented by the Commissioner General is no longer up-to-date.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 only has an informative value and is published without obligation and in order to provide information. 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 the content encompasses 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 majority of the violence in Pakistan can be attributed to the terror organisations that are active in the country. The terror organisations primarily target members of the security services and the army, members of religious minorities and the police force. In addition, Pakistan often sees large-scale attacks that are carried out in order to create the maximum number of victims within a specific community. As a rule, religious minorities and primarily the Shiite Muslims are the target. The security situation in the country is further influenced by the armed conflict between extremist elements and government troops in the north-west of the country and the nationalist uprising in Balochistan.



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.

Below is a **non-exhaustive** summary of the at-risk groups in Pakistan that focuses on the at-risk profiles that the CGRS encounters during its day-to-day work.

- Hazara;
- Ahmadiyya;
- Christians;
- Shiites;
- supporters of political parties;
- persons who oppose the Taliban or other extremist groups;
- persons who fear honour violence;
- persons who risk persecution due to their sexual orientation;
- ...

The Commissioner General is aware of the precarious situation in Pakistan. Every asylum application is examined individually. The examination takes place with the necessary circumspection.

3. SUBSIDIARY PROTECTION

3.1. Torture or an inhumane or humiliating treatment or punishment

The available information shows that applicants for international protection who return to Pakistan do not face a genuine 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 north-west of Pakistan is ravaged by an open struggle between extremist elements and government troops. This concerns an extremely localised armed conflict that principally plays out in the border region between Pakistan and Afghanistan and, more specifically, in the Federally Administered Tribal Areas (FATA) and Khyber-Pakhtunkhwa (KP). The situation in the other provinces (Punjab, Sindh, Balochistan, and Pakistan controlled Kashmir), may well be alarming and concerning but the scope and intensity of the violence is clearly lower than in north-west Pakistan. As a result of the fact that the level and impact of the violence in Pakistan varies widely the CGRS, when assessing the need for protection, not only takes into account the current situation in Pakistan but also examines the security situation in the area from which the applicant originates.

The Commissioner General is of the opinion that there is an exceptional situation in the sense of article 48/4, § 2, c) of the Aliens Act in:

- Federally Administered Tribal Areas (FATA);
- Khyber-Pakhtunkhwa (KP).



Under certain circumstances, Pakistani applicants for international protection can withdraw from the threat to their lives or person as a result of the security situation in FATA or KP by settling outside their region of birth or origin. When determining whether an application for international protection has a safe and reasonable settlement alternative, the Commissioner General will take account of the general situation in that area of the country and also the applicant's personal circumstances.

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 was directly involved in war crimes and crimes against humanity, or it is clear that he had a commanding role in this type of act, he will be excluded from the Refugee Convention and the status of subsidiary protection.