



We are **SHARP**

Society for Human Rights and Prisoners Aid

Report on
One Day Awareness Raising Workshop On
*“Human/Refugees Rights & the Legal Status of
Afghan Nationals in Pakistan”*
For Stakeholders in District Mianwali
May 27, 2008



“No drive for development will be successful unless it is based on the sure foundation of respect for human dignity.”

Report Edited & Compiled by

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SHARP/ALAC III

Mianwali

CONTENTS

Prologue

ALAC

Program

Welcome note & opening remarks by Ms. Fariha Shaheen

Recitation of the Holy Quran

Presentation by Mr. Ayyaz Ahmad Khan Sial

Presentation by Mr. Hameedullah Malik

Presentation by Mr. Muradullah

Concluding remarks by Ms. Fariha Shaheen

Snap gallery

News Paper Clippings

PROGRAMME

Theme: “One Day Awareness Raising Workshop for the stakeholders on Human/Refugee Rights & Legal Status of Afghan Nationals in Pakistan”

Venue: Royal Inn Hotel, Fahad Plaza, District Mianwali.

Duration: (09:30 am – 2:30 pm)

- Registration of the participants
- Recitation of the Holy Quran by Qari Gul Habib
- Welcome Note and Concise introduction of SHARP/ALAC by Ms. Fariha Shaheen, Filed Manager/Lawyer SHARP/ALAC II
- Presentation by Ayyaz Ahmad Khan Sial, Filed Manager/Lawyer SHARP/ALAC II Lahore
- Presentation by Hameedullah Malik, District Program Officer, CIDA.
- Presentation by Mr. Muradullah Zeb, Associate Legal Officer UNHCR Islamabad.
- Concluding Remarks by Ms. Fariha Shaheen
- Distribution of Certificates by the Chief Guest
- Lunch

SHARP (a brief prologue)

Society for Human Rights and Prisoners Aid (SHARP) having been established in 1998 began working for the uplift of humanity in general and the Human Rights in particular and promoted awareness to public through various campaigns and gave the masses an air of confidence that their rights are bound to be given to them that they need to just work for them in terms of knowing their rights and the procedure to get them from the concerned authority or the society. In this regard, SHARP has been providing free legal aid to the victims of human rights and the marginalized classes of the society ever since its inception.

SHARP being an implementing partner of the UNHCR also recognized the legal status of Afghan Nationals by organizing different training workshops for the governmental and non governmental officials from time to time.

Keeping in view the current scenario SHARP Mianwali office devised to organize an awareness seminar in which all the governmental and non governmental organizations could take part in so as to demonstrate the true picture of the Human Rights Activists in their concerned departments/organizations to monitor the Human Rights Violations and to see at it own how to help the troubled masses, who have otherwise been promised by the national constitution of all their inborn rights.

In this context, SHARP has arranged several like seminars in District Mianwali for police officials but this time this ***One Day Awareness Raising Workshop on Human/Refugees Rights & the Legal Status of Afghan Nationals in Pakistan*** was organized for the different stakeholders of District Mianwali in order to work more efficiently for the common cause to have a Human Rights friendly society.

The participants represented their concerned departments, organizations and institutions in Mianwali i.e. Lawyers, Doctors, Police officials, Teachers, Media and NGO's working in the major sectors of Health, Education, Women and Children.

The vent was started at 9:30 with the recitation of the Holy Quran by Qari Gul Habib. Ms Fariha Shaheen SHARP/ALACIII Mianwali in her welcome remarks presented an introductory account of the organization. Mr. Ayyaz Ahmad Khan Sial SHARP/ALAC presented an overview of the situation of Human Rights followed by question answers. Mr. Hameedullah Malik from CIDA delivered a brief presentation on Basic Health Promotion for Afghan Nationals. Mr. Muradullah from UNHCR gave an elaborative presentation on Refugees Rights & Legal Status of Afghan Nationals in Pakistan. At the end Mr. Ali Ausat Shah District Administrator for Afghan Affairs distributed certificates among the participants.

ALAC

Afghans are living in Pakistan for more than two decades. After the establishment of an intermediary government in Afghanistan, refugees began repatriating voluntarily. To facilitate voluntary repatriation and to solve their legal problems in Pakistan, SHARP and UNHCR has established Advice and Legal Centers (ALAC) to provide free legal aid to the refugees, information regarding their country of origin, and legal advice. These centers are rendering their services in Islamabad, Mianwali, Lahore and Karachi. All these centers are addressing the information needs, protection concerns and repatriation requirements of Refugees/Afghan Nationals. These centers are enhancing the excellence of refuge in Pakistan, protection of refugee's rights, scrutinizing of illegal detention and providing legal assistance at different legal forums.

RATIONALE

The Objectives of this workshop were as follow:

- To provide each partaker with an opportunity to get an updated knowledge of Human Rights situation all over the world;
- To ensure the input of stakeholders from all the sectors so as to demonstrate the true picture of the Human Rights Activists in their concerned departments to monitor the Human Rights Violations.
- To highlight the status of the Afghan Nationals in the legal protection framework.

- To develop an understanding regarding the current situation and position of refugees in Pakistan.
- To enable the participants to suggest better and updated views regarding Human Rights/ Refugees Rights and the status of the Afghan Nationals in Pakistan.
- To provide the medical staff and the organizations working in Health sectors an opportunity to get info about the Basic Health Awareness Promotion for Afghan Nationals.
- To develop a better understanding between Government agencies and the Non-Governmental sector for making joint efforts for the assurance of the Human Rights in their respective sectors.

SHARP/ALAC STAFF MEMBERS

- | | |
|-----------------------------|-------------------------------|
| ➤ Mr. Ayyaz Ahmad Khan Sial | (Field Manager ALAC Lahore) |
| ➤ Ms. Fariha Shaheen | (Field Manager ALAC Mianwali) |
| ➤ Mr. Muhammad Aslam Khan | (Lawyer) |
| ➤ Ms. Khial-e-Jana | (Interpreter) |
| ➤ Mr. Nisar Shabir | (EDP Assistant) |
| ➤ Mr. Mudassir Ali Shah | (Assistant Admin Finance) |
| ➤ Mr. Saghir Ahmad | (Messenger) |
| ➤ Mr. Muhammad Saeed | (Driver) |

PROCEEDING

Recitation of Holy Quran by Qari Gul Habib

The occasion was started with the recitation of the Holy Quran. Keeping in view the rights of the Afghan Nationals, the ALAC III team invited an Afghan National Qari Gul Habib for recitation of the Holy Quran. He beautifully recited Sura Duha with translation.



Welcome Note & Concise Intro of SHARP/ALAC by Ms. Fariha Shaheen



Ms Fariha Shaheen, Field Manager/Lawyer ALAC III formally welcomed the honorable guests and participants of the event. Subsequently she gave a brief introduction about Society for Human Rights and Prisoners Aid (SHARP) in the context of its aims and objectives, operation, achievements and future plans. Explaining the overall projects SHARP is carrying on she also highlighted its Advice & Legal Aid Project, its various offices while focusing on the activities of Mianwali Office. Ms. Fariha also uttered on the rationale of this awareness raising workshop that is being done with the vision to update the participants about the Human/Refugees, rights & to share with them the International Law available on the subjects. Focusing on the role of SHARP/ALAC she updated the audience that when the repatriation of Afghan Refugees was about to start, it was felt that some centers are required where returnees could get information about their country of origin before moving back to Afghanistan. The other core objective was to help returnees in their Legal and Protection issues. To serve the purpose SHARP as Implementing Partner of UNHCR was assigned to establish Advice and Legal Aid Centers in Islamabad, Lahore, Mianwali and Karachi. All these centers are enthusiastically rendering services and so far thousands of refugees have benefited from these centers by seeking advice and Legal Aid. She further added that these centers are also playing a vital role of linking the communication gap between refugees and the concerned authorities, thus making them aware about the international legislative framework regarding refugee rights.

The basic strategic plan of SHARP's ALAC centers includes early intervention, outreach activities and the provision of legal aid. The activities carried out in this connection include visits, coordination meetings, legal camps, seminars and workshops. Ms. Fariha proposed all the participants to learn and to share more by active participation in the workshop.

Presentation by Mr. Ayyaz Ahmad Khan Sial

Mr. Ayyaz Ahmad Khan Sial, Field Manager/Lawyer

ALAC II Lahore, joined the seminar as a resource person.

He delivered his presentation on the subject of Universal Human Rights. He started his presentation with a nice quote of UN Secretary General, *“We will not enjoy security without development, we will not enjoy development without security,*

and we will not enjoy either without respect for human rights.” Then he carried on with his lecture categorically. He very skillfully made a difference between Right, Need, Favor and Claim by defining each of them respectively. Defining the essence of the topic Mr. Sial stated that Human Rights are derived from the inherent dignity of the human person and are defined internationally, nationally and locally by various law making bodies. He brilliantly linked the Human Rights with its historical backdrop as derived from Holy Quran, Magna Carta (1215 A.D), English Bill of Rights (1689 A.D), French Declaration of Rights of Man & Citizen (1789), American Declaration of Independence (1776 A.D), US Bill of Rights (1791 A.D), Universal Declaration of HR (1948 A.D). Not only this, he also stressed upon the need of Human Rights which if fulfilled, results in Human Security, Development and Dignity and if being dishonoured or violated would bring sufferings, injustice, violence, inequality, abuse of power, corruption, war and much more fright to the society, state and individual himself. He stated that State, Society, Public, International Community, Judiciary, Police, Media and NGOs are equally responsible to promote and safeguard the Human Rights. Focusing on its legal aspect Mr. Sial pointed at International Bill Of Rights, Universal Declaration of HR1948, International Covenant on Civil & Political Rights 1966, International Covenant on Economic, Social & Cultural Rights 1966.

Summing up his presentation Mr. Sial suggested that well designed social programs, Social Welfare Institutions, Charities and equitable Social Development can however enhance human dignity and contribute to equitable productive development and therefore to upholding human rights. At the end of the presentation he proposed the participants for questions relevant with the subject; all of the participants (male/female) showed a great level of their concern by making very attention-grabbing questions that were responded by Mr. Sial to the extent of their satisfaction.



Presentation by Hameedullah Malik

Mr. Hameedullah Malik District Program Officer from CIDA joined the session as a resource person. He presented a brief overview on the Concept of Health and Health Promotion for Afghan Nationals. Defining health as a right Mr. Hameedullah stated that it is the fundamental right of every individual to enjoy highest attainable level of health. Moreover Health is actually a RESOURCE for everyday life and not an OBJECTIVE of living. It is a drive which enables us to aspire for greater things in life. Health promotion, as he elaborated, is the process of empowering people to control their own health by gaining control on the underlying factors (Determinants of Health) that influence health. He briefed that Community empowerment is an important focus of health promotion approach which ultimately develop their ownership and control of their endeavors and destinies including developing flexible systems to strengthen public participation in the health matters and health services. This requires access to information, learning opportunities for health and funding support. Focusing on the Afghan Community Mr. Hameedullah emphasized on the development of personal skills by providing Health Education and Information to the Afghans community so that they may exercise more control over their health and environment. This has to be facilitated at all levels of health as well as in schools, homes, and localities where they work. At the end Mr. Hameedullah recommended the health staff as well as the NGOs serving in Health sectors, that Health education, Health communication, Community development, Organizational development & change, Healthy public policy, Advocacy, Inter-sectoral collaboration, Self-help and mutual aid are the best strategies for health promotion among Afghans.



Presentation by Muradullah Zeb

Mr. Muradullah Zeb Associate Legal Officer from UNHCR conveyed his presentation in his appealing style that was on the Refugee Rights and Legal Status of Registered Afghans in Pakistan. Defining the religious and historical background of refugees, Mr. Murad referred to the expulsion of Adam & Eve from heaven and flight of Prophet Muhammad from persecution in Makka to Madina. Then he referred to the history of refuge in Pakistan



which exists since 1947 when millions of refugees migrated from India at the time of independence, when more than four million Afghan refugees crossed into Pakistan in 1979 after the Soviet invasion, and then in 1992 during the civil war in Afghanistan and lastly in Oct 2001 when U.S led War on terror in Afghanistan. Before going into the details of the refugees rights and legal status Mr. Murad pointed out the International Legal structure which globally safeguards and promotes their rights and legal status i.e. International Law, international instrument after World War II, Office of the United Nations High Commissioner for Refugees, The UN General Assembly approved through its Resolution 428 (V) the Statute of the Office of the UNCHR., 1951 Convention and its 1967 Protocol. Concerning the rights of the refugees he referred to the 1951 Convention relating to the Status of Refugees and refugees rights as well as as their obligations which includes, Non-discrimination, Freedom of religion, Free access to the courts of law on the territory of all states parties to the Convention, The right to work, right to housing, right to education, right to public relief and assistance, Freedom of movement within the territory and right not to be expelled from a country [unless the refugee poses a threat to national security or the public order]. Besides they are having some obligations as well as recognized by the same 1951 Convention. Mr. Murad classified the obligations of the refugees as well that refugees should obey regulations, national law and policies for maintaining peace and order in the country of asylum. Further more they should pay respect to the United Nations, its principles and objectives.



Then Mr. Murad moved on to the second part of the subject i.e. Legal Status of the Afghan Nationals by pointing out the legal framework to deal with the refugees. As he defined that currently there is no specific legislation prevails in the country rather they are dealt under ad-hoc administrative arrangements.

As far as Afghan Refugees are concerned there is no comprehensive legal framework, structures or consistent mechanisms to deal with the issue. Under the Foreigners Act, 1946 the federal government regulates only the entry, stay and departure of Foreigners in Pakistan. So to focus on the stay of the Afghan Refugees in Pakistan he pointed to