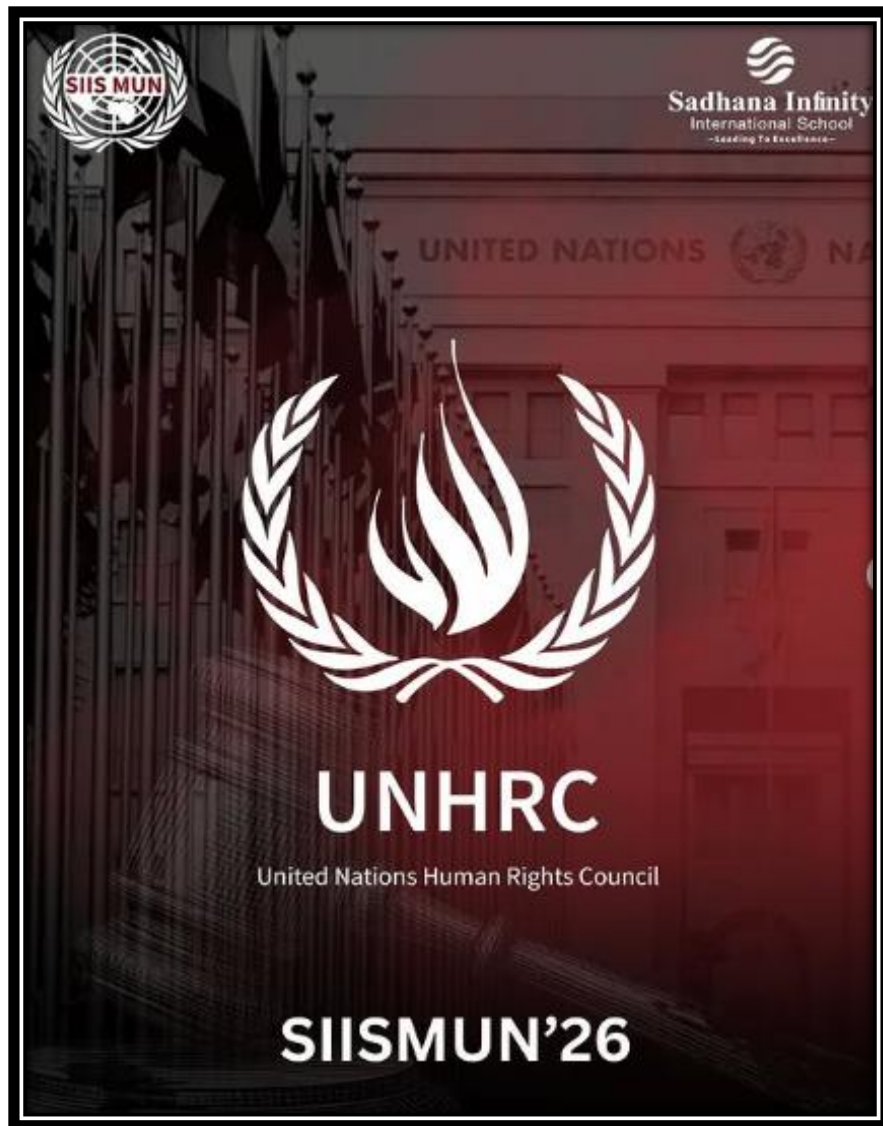




BACKGROUND GUIDE

Addressing the Legal and Humanitarian Challenges of Large-Scale Repatriation, with Particular Emphasis on the Repatriation of Afghan Refugees from Pakistan

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Letter From the Executive Board

Greetings Delegates,

It gives us immense pleasure to welcome you to this simulation of the United Nations Human Rights Council at SIISMUN-2026, 2nd Edition. If this is your first time taking part in a Model United Nations conference, please do not worry or hesitate to speak, this guide has been written so that any delegate, regardless of prior experience, can read it from start to finish and arrive at a working understanding of the agenda. This guide is by no means, the end of the research. We would very much appreciate it if the delegates were able to find new realms in the agenda and bring them forth to the committee. So just research and speak, and you are bound to make a lot of sense. We are certain that we will be learning from you immensely, and we also hope that you all will have an equally enriching experience.

Remember that the goal of this simulation is not only to produce a resolution but also to engage in a process of learning, and skill development that will serve you well beyond this conference. We look forward to witnessing your debates, negotiations, and collaborative efforts.

This guide lays out the background, the legal framework, the humanitarian dimensions, and the key issues connected to the agenda item. May your discussions be fruitful, your resolutions impactful, and your experience enriching.

Looking forward to meeting you at the conference!

Sincerely,

Shambhavi Mishra,
Chairperson

Samriddhi Gupta,
Co-Chairperson

Ishved Kelkar,
Rapporteur

Important Instructions

A few aspects that delegates should keep in mind while preparing:

- ❖ **Procedure:** The purpose of putting in procedural rules in any committee is to ensure a more organized and efficient debate. Although the Executive Board shall be fairly strict with the Rules of Procedure, the discussion of the agenda will be the main priority. So, delegates are advised not to restrict their statements due to hesitation regarding the procedure.
- ❖ **Foreign Policy:** Following the foreign policy of one's country is the most important aspect of a Model UN Conference. Do research well, and **AVOID FOREIGN POLICY VIOLATION**.
- ❖ **Role of the Executive Board:** The Executive Board may put forward questions and ask for clarifications at all points in time to further debate and test participants.
- ❖ **Nature of Evidence:** **Under no circumstances may this guide be cited, quoted, or otherwise used as evidence, proof, or a formal source in committee, whether in working papers, draft resolutions, points of information, or speeches.** Any factual claim made in committee should be substantiated by reference to primary sources, official UN documentation, or other materials permitted under the conference's rules of procedure, and not to this guide itself. The following sources are acceptable -
 - i) **United Nations:** Documents and findings by the United Nations or any related UN body are held as credible proof to support a claim or argument. Multilateral Organizations: Documents from international organizations like OIC, NAFTA, SAARC, ASEAN, the International Criminal Court, etc. may also be presented as credible sources of information.
 - ii) **Government Reports:** These reports can be used in a similar way as the State Operated News reports and can, in all circumstances, be denied by another country.
 - iii) **News Sources:**
 - a. **Reuters:** Any Reuters article that clearly makes mention of the fact or is in contradiction of the fact being stated by a delegate in the council will be accepted.

Under no circumstances will sources like Wikipedia, or newspapers like the Guardian, Times of India, etc. be accepted. However, notwithstanding the criteria for acceptance of sources and evidence, delegates are still free to quote/cite from any source as they deem fit as a part of their statements.

- **Position Paper:** A **Position Paper** is a formal document that outlines a delegation's stance on the committee agenda. It serves as an opportunity for delegates to demonstrate their understanding of the topic, their country's foreign policy, and the solutions they intend to advocate during committee sessions. Submission of a Position Paper is **mandatory** for all delegates. Delegates are required to submit their Position Papers **on or before 22 July 2026**. **Failure to submit the Position Paper by the stipulated deadline may result in penalties or affect eligibility for committee awards.**

Formatting Requirements:

Length: 1–2 pages maximum.

Typography: Times New Roman, 12pt font, 1-inch margins, single-spaced.

File Format: PDF format only. **(for soft copies)**

File Name: UNHRC_Position Paper_[Country Name] **(for soft copies)**

Required Sections:

1. **National Stance:** Your country's stance on large-scale repatriation and the Afghan refugee crisis.
2. **International & Domestic Actions:** UN resolutions, treaties, or domestic policies your country has historically supported or implemented.
3. **Proposed Solutions:** Actionable, realistic recommendations within the UNHRC's mandate to protect human rights during mass returns.

Submission Guidelines:

- **Deadline:** Before 22 July, 2026, (11:59 am).
- **Submission Email:**

Sh8mbhav1m1shra@gmail.com **(or)** samriddhigupta14xx@gmail.com

Introduction to the Agenda

The large-scale repatriation of Afghan refugees from Pakistan represents a deeply complex crisis driven by two conflicting imperatives. From **Pakistan's perspective**, the enforcement of the "Illegal Foreigners Repatriation Plan" is framed strictly as a matter of national security, economic necessity, and state sovereignty. Grappling with a severe economic downturn, cross-border militancy, and overstretched public services, the Pakistani government argues that it can no longer support millions of undocumented migrants and long-term residents, viewing regulation and deportation as essential to maintaining domestic stability. Conversely, from the **Afghan refugees' perspective**, this forced expulsion is a profound humanitarian and legal catastrophe. Many refugees have lived in Pakistan for decades, establishing families, businesses, and lives; being forcibly returned to a Taliban-controlled Afghanistan places them at immediate risk of severe human rights violations, economic collapse, and persecution. This is particularly devastating for women and girls who face total systemic exclusion from education and employment, drawing sharp criticism from international bodies like the UNHCR, which condemn the policy as a direct violation of the international legal principle of *non-refoulement*—the prohibition of returning individuals to a country where they face serious threats to their life or freedom.

This agenda asks the committee to examine the legal and humanitarian challenges associated with large-scale repatriation as a global phenomenon, while paying particular attention to the repatriation of Afghan refugees from Pakistan, which is, at the time of writing, among the largest and fastest-moving return movements anywhere in the world. Afghanistan has been the source of one of the most protracted refugee situations in modern history, and Pakistan has hosted Afghan refugees for over four decades. Since 2023, however, Pakistan has pursued a phased domestic policy — commonly referred to as the Illegal Foreigners' Repatriation Plan — that has resulted in the return of millions of Afghans, including, in later phases, registered refugees holding Proof of Registration (POR) cards and Afghan Citizen Cards (ACC).

Key Definitions and Concepts

Refugee, Asylum-Seeker, and Returnee

A refugee is a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside their country of nationality and is unable or unwilling to avail themselves of the protection of that country. An asylum-seeker is a person who has applied for refugee status

and whose claim has not yet been finally decided. A returnee is a former refugee or displaced person who has returned, voluntarily or otherwise, to their country of origin.

Forced Return, Deportation, and Refoulement

Forced return refers to the compulsory removal of a person from a host state, whether through administrative deportation, expulsion, or informal pressure such as arrest, harassment, denial of services, or the deliberate creation of conditions that leave a person with no realistic option but to leave. Refoulement is the forcible return of a refugee or asylum-seeker to a territory where their life or freedom would be threatened on account of a protected ground, or to a third country from which they may be sent onward to such a territory.

The Principle of Non-Refoulement

Non-refoulement is widely regarded as the cornerstone of international refugee protection. It is codified in Article 33(1) of the 1951 Refugee Convention and reinforced under international human rights law, including Article 3 of the 1984 Convention Against Torture and the jurisprudence of human rights treaty bodies interpreting the International Covenant on Civil and Political Rights. Many scholars and UN bodies consider non-refoulement to have attained the status of customary international law, binding even on states that are not parties to the 1951 Convention or its 1967 Protocol — a category that includes Pakistan, Iran, and several other major refugee-hosting states discussed in this guide.

Historical Background

Decades of Afghan Displacement

Large-scale Afghan displacement began with the Soviet invasion of Afghanistan in 1979 and continued through the ensuing civil war, the rise of the Taliban in the 1990s, the post-2001 conflict following the United States-led intervention, and the Taliban's return to power in August 2021. Across these decades, Pakistan and Iran together have hosted the largest Afghan refugee and migrant populations in the world, with Pakistan alone hosting Afghans across multiple generations — including individuals born in Pakistan who have never set foot in Afghanistan.

Escalation Since August 2021

The Taliban's takeover of Kabul in August 2021 triggered a fresh wave of outward movement from Afghanistan, including of individuals associated with the former government, civil society, the media, and women's rights movements who feared persecution under the new

authorities. Many of these new arrivals entered Pakistan without formal documentation, alongside a pre-existing population of registered and unregistered Afghans.

The Legal Framework Governing Repatriation

International Refugee Law

- The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol establish the core definition of a refugee, the rights owed to refugees, and the principle of non-refoulement.
- Article 33 of the 1951 Convention prohibits the return of refugees to territories where their life or freedom would be threatened, subject to narrow exceptions concerning national security or serious criminality, which must be applied restrictively and individually.
- UNHCR's Statute and the Convention together establish UNHCR's mandate to supervise the application of international refugee protection, including in voluntary repatriation operations.

International Human Rights Law

- The Convention Against Torture (1984), Article 3, prohibits returning any person to a state where there are substantial grounds for believing they would be in danger of torture.
- The International Covenant on Civil and Political Rights (1966) protects rights to life, liberty, family unity, and freedom from arbitrary detention, all of which are engaged by mass-return operations.
- The Convention on the Elimination of All Forms of Discrimination Against Women (1979) and related guidance are relevant given the acute, gender-specific risks facing women and girls returning to Afghanistan under the Taliban's policies.

Status of Host States Outside the 1951 Convention Framework

A significant complicating factor in the Afghan situation is that Pakistan and Iran — the two principal host states — are not parties to the 1951 Refugee Convention or its 1967 Protocol. Afghan refugees in these countries have historically been managed through bilateral and domestic administrative arrangements (such as Proof of Registration cards and Amayesh cards) rather than through formal refugee-status determination under the Convention. This has consequences for the legal protections technically available to Afghans in these countries and

for the international community's leverage in encouraging compliance with non-refoulement, although the principle is widely considered binding as customary international law regardless of Convention membership.

UNHCR's Guidance on Returns to Afghanistan

UNHCR has repeatedly issued and updated Guidance Notes on the international protection needs of people fleeing Afghanistan, generally calling on states to suspend forced returns of Afghans found not to be in need of international protection, and urging exemptions for groups facing heightened risk, including women, unaccompanied or separated children, persons with medical needs, and individuals connected to the former government, media, or civil society.

Relevant UN Bodies and Mechanisms:

- The UN High Commissioner for Refugees (UNHCR) — protection mandate, voluntary repatriation operations, and border monitoring.
- The UN Office for the Coordination of Humanitarian Affairs (OCHA) — coordination of humanitarian response and inter-agency appeals.
- The International Organization for Migration (IOM) — assistance to migrants and returnees, including those outside the refugee definition.
- The Office of the High Commissioner for Human Rights (OHCHR) and UN Special Procedures — human rights monitoring and public advocacy on non-refoulement.
- The UN Security Council and General Assembly — political engagement with the situation in Afghanistan and regional stability.

Humanitarian Dimensions

Conditions Inside Afghanistan

Returnees are arriving in a country facing a severe and multidimensional humanitarian crisis. According to UN humanitarian coordination assessments, close to half of Afghanistan's population requires humanitarian assistance to meet basic needs. Drivers include a contracting economy, restricted access to international banking and development financing since 2021, repeated natural disasters including drought, flooding, and earthquakes, and constrained public services. Humanitarian response plans for Afghanistan have consistently been significantly underfunded relative to need.

Reception and Absorption Capacity at the Border

Border crossing points such as Torkham and Chaman/Spin Boldak have, at various points, faced returns far exceeding planned daily capacity, with tens of thousands of people crossing in short periods. This has strained the capacity of receiving authorities and humanitarian agencies to register returnees, screen for protection needs, and provide emergency shelter, water, food, and onward transport, particularly for vulnerable groups travelling without resources.

Particular Risks for Women and Girls

Afghan women and girls returning from Pakistan face a distinct set of risks linked to restrictions imposed inside Afghanistan, including limits on access to secondary and higher education, constraints on employment and freedom of movement, and broader curtailment of public participation. UNHCR and UN human rights mechanisms have repeatedly flagged the return of women and girls as an area of acute protection concern.

Children and Family Separation

A substantial proportion of returnees are children, some travelling with family and others at risk of separation during chaotic return movements. Disrupted access to education, including the closure or denotification of refugee-village schools in host areas during return operations, has affected schooling continuity for Afghan children on both sides of the border.

Returnees Without Ties to Afghanistan

A notable feature of the current movement is the number of returnees — including adults — who were born in Pakistan or have lived there for decades and have limited or no existing family, housing, or livelihood connections inside Afghanistan. For this population, return raises acute reintegration challenges distinct from those facing refugees who fled more recently.

Mechanisms for Repatriation in Practice

Voluntary Repatriation Centres (VRCs)

UNHCR operates Voluntary Repatriation Centres in Pakistan, including in Azakhel (Khyber Pakhtunkhwa) and Baleli (Balochistan), where registered refugees may obtain Voluntary Repatriation Forms, receive return-related information, and access a one-time multipurpose cash grant intended to support reintegration. These centres represent the cooperative, UNHCR-facilitated channel for return, as distinct from deportation.

Deportation and Administrative Removal

In parallel with voluntary channels, Pakistani authorities have carried out administrative deportations, including detention and removal of individuals — among them, according to UNHCR and UN human rights reporting, recognised refugees and asylum-seekers — through processes that have been criticised for lacking adequate due process, legal assistance, or appeal mechanisms.

Border Monitoring

UNHCR and partner agencies conduct border monitoring at major crossing points to assess access to the right to return, identify protection risks, and document the circumstances of returns, distinguishing between voluntary repatriation, assisted return, and forced return or deportation.

Funding and Resource Constraints

UN appeals tied to the Afghanistan returns crisis have repeatedly faced large funding gaps. Regional response plans covering both the Afghanistan situation and the broader return crisis have, at various points, been funded at well under half of stated requirements, forcing agencies to prioritise the most acute needs and limiting the scale and consistency of assistance available to returnees and host communities alike. This funding gap is a recurring and central constraint on the international community's practical ability to respond to repatriation at the scale currently observed.

Questions a Resolution Must Answer (QARMA)

- ☐ How can the international community ensure that the repatriation of Afghan refugees remains safe, voluntary, and dignified?
- ☐ What legal obligations do host states have under international refugee and human rights law during large-scale repatriation?
- ☐ How can UN agencies and regional organizations strengthen cooperation to support sustainable reintegration of returning refugees?
- ☐ What mechanisms should be established to monitor and prevent human rights violations during repatriation?

Background Guide — Repatriation of Afghan Refugees

- ☐ How can the international community balance state sovereignty with the protection of refugee rights?
- ☐ What role should humanitarian assistance and development aid play in facilitating long-term reintegration in Afghanistan?
- ☐ How can vulnerable groups—including women, children, persons with disabilities, and minorities—be better protected throughout the repatriation process?
- ☐ What measures can address the root causes of displacement to reduce future refugee crises?
- ☐ How can burden-sharing and international responsibility-sharing be strengthened to support both host countries and countries of origin?

Points to Note -

Do not restrict your inquiry to the areas stated above; rather, ensure you logically infer and broaden your inquiry to include areas covering issues under consideration. The purpose of this background guide is to prepare you with a briefing of the issues involved; therefore, to some, it might look incomplete. Our assumption is that 'study guides' go against the personal growth of delegates since they overlook a very important aspect of this exercise, which is **Research**. Having said that, we are confident that this background guide is a great guide for you to begin your research.

Delegates should now turn to independent research, beginning with the official sources listed below, to develop an informed and well-substantiated position ahead of committee sessions.

Official and Verified Sources for Further Research

The following links lead exclusively to official United Nations bodies and other highly reliable institutional sources, (provided as a starting point for independent research) -

UNHCR — The UN Refugee Agency

[UNHCR Global — Afghanistan Situation](#)

[UNHCR — Pakistan Country Page](#)

[UNHCR Operational Data Portal — Pakistan](#)

[UNHCR — The 1951 Refugee Convention](#)

[UNHCR — Voluntary Repatriation Guidance](#)

OHCHR

[OHCHR — Press Releases and Statements](#)

UN News and Official UN Coordination

[UNOCHA — Humanitarian Response Plans](#)

[ReliefWeb \(OCHA Service\) — Afghanistan](#)

[ReliefWeb \(OCHA Service\) — Pakistan](#)

International Organization for Migration (IOM)

[IOM — Afghanistan](#)

[IOM Displacement Tracking Matrix](#)

Core International Legal Instruments

[1951 Convention Relating to the Status of Refugees \(UN Treaty Collection\)](#)

[1967 Protocol Relating to the Status of Refugees \(UN Treaty Collection\)](#)

[Convention Against Torture \(OHCHR\)](#)
