

Pakistan's Universal Periodic Review

Reflections from Khyber Pakhtunkhwa & FATA Civil Society

Introduction:

In November 2017, Pakistan will be reviewed for the third time by the UPR working group. This upcoming review is of particular importance, as it will cast light on the provinces' performance in safeguarding human rights. After the 18th Constitutional Amendment, introducing federalism in Pakistan in 2010, responsibilities for human rights protection and promotion have been devolved to the provincial level. Under the new mandate the Provincial Government of Khyber Pakhtunkhwa through its line departments¹ and Commissions and the Directorates of Human Rights KP is contributing into the National Report. Nevertheless, the National Human Rights Commission and Civil Society Organizations are also required to contribute to the Universal Periodic Review with independent submissions.

The KP/FATA Civil Society decided to submit a shadow report to give its perspective on protection of human rights, and suggest recommendations. In terms of the Shadow report process, CSOs participated in UPR trainings, organised by the UNDP for the line departments and two consultations have been organised with NGOs, media, academia, alliances, women & youth groups with a particular focus on representation from religious minorities and ethnic minorities. Furthermore, Five Thematic Groups were formed on the basis of the Government of Pakistan's commitment in the second Universal Periodic Review (UPR) in October 2012 and adopted outcome of the UPR in March 2013.

The Civil Society Thematic Groups worked on, religious freedom, tribal areas, freedom of expression, human rights defenders and Internally displaced persons. The analytical framework used by the KP/FATA Civil Society was based on progress made by the National and Provincial governments, laws. Policies and the state obligations under international human rights instruments and the UPR Working Group Recommendations.

Universal Periodic Review 2nd Cycle 2012-State Commitments and Compliance

A. Religious freedom

Situational analysis:

A dilemma of Pakistani society is increasing religious extremism and terrorism, which initially started in particular areas of KP and now the entire country is facing militancy and militants. NACTA establishment in 2013 and the National Action Plan 2016 with its 20 points² gave ray of hope to people of Pakistan. Predominantly, points 5 and 9³ related to hate speech/literature and protection from religious

¹ Law, Parliamentary Affairs and Human Rights Department; Pakhtunkhwa Commission on the Status of Women; KPK Child Protection and Welfare Commission.

² <http://www.nacta.gov.pk/NAPPoints20.htm>

³ 5. Strict action against the literature, newspapers and magazines promoting hatred, extremism, sectarianism and intolerance; 9. Taking effective steps against religious persecution.

persecution has been considered to be a reassurance to non-Muslim citizens as equal citizens guaranteed under the Constitution of Pakistan⁴.

Moreover, a recent enactment of Hindu marriage law on March 19, 2017⁵, is welcomed by the Hindu community in Pakistan. The Act will protect Hindu marriages and family rights. The registration of marriages and divorces. The new legislation will reduce difficulties of Hindu married women in obtaining National Identity Cards and passports. However, Sikh Marriage Act is still pending and there is demand for enactment. Furthermore, Sikh community showed its concern over the absence of their religion in the current Census forms⁶. As a result, on March 21, 2017 the Sikh community from KP and FATA filed a petition in the Peshawar High Court.⁷

Places of worship is another area of concern among religious minorities. According to religious minorities representatives in KP of the 428 places of worship for Hindus, only 20 are operational, while most others had been leased by the "Evacuee Trust Property Board" for residential and commercial purposes. Gurdwaras have been turned into market by land mafia⁸. Many of Christians are charged with blasphemy, often as a result of false accusations motivated by property and social disputes.

In terms of political rights, there is a concern over elected representation and quota⁹ in the parliament including selected representation of non-Muslim representatives. Same concerns are existing over lack of implementation of educational and job quotas. Lack of recognition about other faiths among mid-level staff of government institutions resulted in biases towards certain religions.

Recommendations:

- For the registration of Sikhs marriages Sikh Marriage Act should be passed.
- A separate section for Sikh religion should be included in the census form because of a large following of this faith in Pakistan.
- International non state actors who are fueling terrorism in Pakistan for their vested interests must be held accountable.
- Hate material against the religious material, in the school curriculum and media including social media especially newspapers' articles should be dealt according to National Action Plan as promised.
- The State should ensure the freedom of religion and choice in the educational material, text material on other religions is required to include in the curriculum as an option for non-Muslims

⁴ Article 25-Equality of citizens

⁵ <http://www.radio.gov.pk/19-Mar-2017/president-promulgates-hindu-marriage-bill-into-law>

⁶ <https://www.thenews.com.pk/print/193560-MPA-protests-against-ignoring-Sikhs-in-census;>
<https://www.dawn.com/news/1321900>

⁷ Petitioners are Gural Singh, Charanjeet Singh and others <https://tribune.com.pk/story/1361886/phc-petition-seeks-inclusion-sikhism-census-form/>

⁸ According to Mr. Herdayal Singh a member of management committee Gurudawara Joga Singh Peshawar, a large number of Gurudawaras are converted into markets, schools or residential areas such as Gurudawara Singh Sabah & Gurh Mandi in Peshawar and some in Nowshera, D.I. Khan, Harripur and Khurm Agency.

⁹ Article 51(4) of the Constitution, 10 seats are reserved for non-Muslims in the National Assembly, and under Article 106, non-Muslims are; 3 seats in Balochistan; 3 in Khyber Pakhtunkhwa; 8 in Punjab and 9 in the Sindh provincial legislatures.

students instead of Islamiat (Muslim text book) due to the non-availability of books, the non-Muslims students are obligated to study Islamiat.

- The government must allot a land to the religious minority inhabited areas, where they could easily perform their religious rituals like, marriage, funeral, etc.
- The quota of minority seats should be allotted according to the number of provincial or national assembly seats. There should be a gender balance in the minorities' reserve seats.

B. Tribal areas

Situational analysis:

Federally Administered Tribal Areas (FATA), defined by diverse geographical realities has been subject to varied invasions, complex contestations and intense power plays by the regional and international actors. The physical interference of both local and major powers in the geographical landscape of the region has made conflict a permanent feature of the region. Such intervention provided 'new' form of political spatiality to the region by creating un-defined boundaries and in the process opening it to the concept of 'modern statehood' based on territorial, sovereignty and population, however isolating the tribal population from such state system. The colonial system of complicated centralized control over these deliberately created 'ungoverned spaces' and denying these areas the benefits of social, political and economic developments resulted in creating a space for human rights violations.

These religious-political movements, have not only challenged peace and security in the border region, but beyond it in the more 'central' zones, embroiling the region in a new wave of extremist and violent radicalism. The militant/military confrontation for control over the border regions and beyond has yet again made peace an elusive goal and resulted in violation of human rights. This power play has substantially transformed the area's socio-political and economic life. Such developments resulted in religious extremism in Pakistan too. The spill over of such militants to periphery not only affected the tribal people all over but Pakhtun from other areas suffered badly through "racial profiling"¹⁰ in other provinces.

Recently, many groups from tribal civil society, student groups, and tribal women forums started to demand the replacement of these 'weak' traditional institutions, which have failed to sustain the onslaught of ongoing conflict and resulted in human crises in FATA. The state, due to changing perspective of the tribal people, has revised the complete structure, proposing some significant reforms such as merging FATA with Khyber Pakhtunkhwa. However, mainstreaming of FATA and integrating it in the state is the most challenging task for tribal people. There are serious reservations of the tribal people on the

¹⁰ <https://www.thenews.com.pk/print/189210-The-Pakhtun-profiled>

process, such as absence of tribal representatives from the committee devised for the re-structuring of the system, no clarity on *Riwaj* Act and sustaining the colonial old offices of political agent under the control of Khyber Pakhtunkhwa Governor.

The reform process in the FATA is further complicated by the gender divide too, which is not only dominant in the private affairs-home and family relationships-, but also the public spaces, which are considered too 'public' and 'privileged' for women. Since the public spaces by virtue of being 'male dominated, ' reinforce men's control over decision making, politics, religion and economy, therefore issues of dominance and gender divide are aggravated. These public spaces, which are more readily open to and incorporate predominantly male voices are used by the inhabitants of the region to convey their opinions, grievances and political dissent; social media spaces being inclusive of it. Unfortunately, women from tribal areas since the inception of the Pakistani state, remained unheard and voiceless by the state structures in the "special status FATA".

Tribal women population stands at 1.5 million with hardly 3% literacy rate (Pakistan Census, 1998). A dismal fact, within itself is that even the women of FATA is not known; the official estimates that exist to date reveal that the number of women in FATA could actually not be ascertained because of the "cultural constraints" or "Riwaj" which is a major barrier during the 1998 census. Despite different UN and CEDAW Conventions, women of FATA are the most vulnerable due to tribal areas' "semi-autonomous" and "special status", leaving the weaker at the mercy of a patriarchal traditional system "Riwaj" and other non-state actors. Unfortunately, both state and cultural violence prevalent against FATA's women is neither recognized nor highlighted by the national or international community and nothing has been done to curb social and economic cruelty.

The state planning to codify regressive and patriarchal *Riwaj*, leaves no space for women rights. Some reservations recorded in the context of present ongoing reforms regarding women are

1. Absence of tribal women in the reform process, women were neither taken onboard nor consulted during rounds of consultation by the committee, although men were involved during the process.
2. There is a need for clarity on the *Qanon-e-Riwaj* and *Nizam-e-adl*, a justice system. They are considering *Nizam-e-Adl*, a legal framework that will repeal the Frontier Crimes Regulation (FCR) 1901 and extend the jurisdiction of the superior courts to the Federally Administered Tribal Area (FATA). Nevertheless, it will be a unique amalgam of the Code of Civil Procedure 1908, Code of Criminal Procedure 1898 and *Riwaj* – the customs, traditions and usages of tribes in FATA. According to the proposed act, the district and session judge appointed by the federal government in consultation with the high court will be referred to as the Qazi (Judicial Officer), who will be aided by a *Jirga* – a council of elders, with four or more members

appointed by the Qazi. Again, there is no mention of women presence or any protection mechanism devised for her against certain traditional practices such as bride price, illegal killings using honor, exchanged in the enmity or settling disputes, her inheritance and other family rights.

3. Another important issue is reserved seats for women in the local government, Provincial Assembly, National Assembly and Senate. Somehow, there is no clarity that how will be this quota system ensured, any planning for women registration as voter or trainings if they are allowed after the reforms and merger for elections on the reserved seats.

KP/FATA Civil Society has serious reservations on government's seriousness in mainstreaming of tribal women, badly affected by wars, conflicts, displacements and state's apathy.

Recommendations:

- Mainstreaming is considered to be delayed in decision of FATA merger plan, to ensure state commitment with tribal people for merger of FATA with the province of Khyber Pakhtunkhwa.
- Riway regulation is another form of FCR, which is based on local Riway, therefore, the Articles 1, 246 & 247 of the Constitution should be abolished and the State should ensure extension of the 1973 constitution.
- The FATA representations in the Khyber Pakhtunkhwa Assembly must be considered after the Population Censes and must be included in the General Election, 2018¹¹.
- The State should announce immediate extension of the High Court and Supreme Court jurisdiction to FATA.
- To ensure implementation of FATA development plan the minimum of 10% of the NFC must be granted to FATA, as this area has suffered a lot due to insurgency and war against terror, nevertheless this setup of financial compensations of the same ratio of NFC must be for minimum of 10 years.
- Civil Society appreciate the 30% of the FATA budget to Local Governments, nevertheless, FATA education system is suffered a lot due to terrorism¹², the State should increase 30% of the budget to rebuilt schools especially for girls .
- To reduce disparities in education and health sectors, the state should increase the quota for FATA students from 2017¹³ and will be effective after 10 years of FATA merger to KP.

¹¹Mr. Sartaj Aziz Adviser to Prime Minister on Foreign Affairs, "the people of Fata to elect their representatives to the Khyber Pakhtunkhwa Assembly in the 2018 elections" <https://www.dawn.com/news/1317961>

¹² FATA Disaster & Management Authority, the Directorate of Education, FATA, "440 schools, of which 130 were girls' schools, have been destroyed by the militants". "542 primary schools for boys and 108 girls' schools are dysfunctional in the tribal areas as the teachers deputed there are reluctant to perform their duties for fear of either being kidnapped or killed by the militants." <https://www.dawn.com/news/698333> , Feb 25, 2012.

¹³ China Pakistan Economic Corridor (CPEC) 08 components are energy, coal 756 MW, wind 200MW, Hydel 1590 MW, solar 1000 MW, second phase 6446 MW, mining expenditure, road, rail, mass transit in Lahore, Gwadar Port and China Pak Fiber Optics: A Chinese Dream Being Materialized Through Pakistan [https://sdpi.org/publications/files/China-Pakistan-Economic-Corridor-\(Shakeel-Ahmad-Ramay\).pdf](https://sdpi.org/publications/files/China-Pakistan-Economic-Corridor-(Shakeel-Ahmad-Ramay).pdf)

- -To ensure equal share in economic development extension of 08 components of CPEC¹⁴ to FATA region. In addition, allocation of 20% of the budget to the Mineral Development, agriculture and agriculture products of the FATA.
- -The FATA Reforms plan should ensure extension of the Auditors General office the FATA to ensure accountability and transparency of financial transactions and expenditures incurred by all the departments.
- The Rewaj Act is not acceptable by the KP as well as FATA civil society.
- The funds allocated for the development of FATA should be audited by the office of Accountant General of Pakistan. The ratio of allocation of funds for social and development (infrastructure) sector in FATA should be 60:40. Transparency in the allocation of resources for FATA should be ensured.
- There should be separate section for FATA IDPs in the ongoing census.
- There should be a policy, especially for FATA youth in FATA Reforms because a large number of FATA youth is unemployed.
- Local government elections in FATA should be held in 2017 , prior to the general elections in 2018. All the political parties should ensure that at least one seat in each agency of FATA should be reserved for women.
- After census the government should ensure delimitation of constituencies in FATA before General Elections 2018¹⁵.

C. Human rights defenders

Situational analysis:

Since the state ratified seven international human rights treaties and with establishment of Ministry of human rights, National Commission for Human Rights and Provincial level directorates and commissions, there are lot of activities in terms of capacity development and enactments. The National and Provincial human rights institutions opened many avenues for civil society to become part of the state agenda to protect human rights. Nevertheless, the state selective approach for inclusion of members and recognition of certain issues is a crucial impediment to achieve human rights stranded.

Subsequently, the state's legal framework, to counter the prevailing terrorism¹⁶, is a double edged sword for human rights defenders. For instances, there are cases of victimization under Section 34 of the broadly framed Prevention of Electronic Crimes Bill, gives the government powers to block access to information in the interest of the "glory of Islam or the integrity, security or defence of Pakistan public order, decency or morality". Moreover, in FATA and its adjacent areas restrictive mobility of human rights defenders and

¹⁴ Employment of children Act,1991 to FATA & PATA of NWFP

¹⁵ FATA elections: who, when and how? By Gulmina Bilal Ahmad <http://dailytimes.com.pk/opinion/03-Mar-17/fata-elections-who-when-and-how>

¹⁶ National Counter Terrorism Authority Act: No. XIX of 2013

organizations is phenomenal. No Objection Certificate (NOC) has only been issued to service delivery organization, restricting the mobility of human rights organisations.

In terms of security of human rights defenders, killing of Sabeen Mehmood, Rashid Rehman, Parveen Akhter and a number of progressive media persons has raised questions on the state commitment¹⁷ guaranteed in the Constitution and the International pledges.¹⁸

Recommendations:

- The state should provide security to Human Rights Defenders by taking strong policy measures and legislation. The State needs to fulfil its commitment to the international community in the 2nd Cycle of Universal Periodic review¹⁹ 2012 to provide security to Human Rights Defenders by making a national policy. Nevertheless, till the submission of this report there is no such policy/law available at Provincial and Federal level.
- Human Rights Defenders should be recognized by the state because they are facing harassment by Law enforcement agencies.
- The state should take extra measures to recover the missing Human Rights Defenders who have disappeared and have not been reported.
- Human rights defenders should be given recognition as an equal partner in country development agenda.
- In case of loss of life or loss of property in a terrorist attack the human rights defenders should also be given a compensation by the government.

K. Freedom of expression

Situational analysis:

In recent years, a number of media house emerged in the private sector, parallel to the state run media. Consequently, there are ample spaces to raise awareness on social and political issues. Nevertheless, enforced disappearances of 04 bloggers²⁰, alarmed the civil society about unseen restriction on freedom of expression. There are number of incidents, where Pakistan Electronic Media Regulatory

¹⁷ Art.9: Security of person; Art.15: Freedom of movement and Art.19 freedom of speech.

¹⁸ C. Human Rights Defenders, UPR,2nd Cycle 2012.

¹⁹STATEMENT BY AMBASSADOR MASOOD KHAN, PERMANENT REPRESENTATIVE OF PAKISTAN, ON THE OUTCOME REPORT OF UNIVERSAL PERIODIC REVIEW OF PAKISTAN, AT THE HUMAN RIGHTS COUNCIL ,2012, A/HRC/8/42/Add.1 p.5

²⁰ "The four men, Salman Haider, a well-known poet and academic, and bloggers Waqas Goraya, Aasim Saeed, and Ahmad Raza Naseer, went missing or were taken away from different cities between January 4 and January 7, 2017" <https://www.hrw.org/news/2017/01/10/pakistan-bloggers-feared-abducted>

Authority(PEMRA)²¹ imposed a ban on a particular TV channel or programmes in the recent example is a talk show on DAWN TV channel²². Moreover, on the instruction of Chief Justice of Islamabad High Court an FIR(criminal complaint) has been launched against few social media websites²³ and Chief Justices also warned to Facebook administrator to remove blasphemous content till March 27th,or the court might ban Facebook in Pakistan²⁴.

On the other hand, since the two decades a rise of religious conservatism resulted in religious and cultural polarization among society and especially the youth. A long period of military dictatorship and highly militarised approach by different religious and political groups²⁵ made a negative impact on Pakistani youth, who grow up in a hostile environment where difference of opinion is considered as a conflict. In addition, another critical aspect of intolerance, is lack of cultural spaces and activities for youth. Consequently, a diminishing cultural diversity is enforcing youth to link culture with religion.

A dilemma of average people in the country is – diverse religious groups –a traditional sectarian approach among people. In addition, a culture of using Quranic verses out of context or manipulating translation of Arabic as a foreign language. Consequently, lack of knowledge and dependence on clergy has resulted in extremism and religious monopoly by a particular group. However, influence of external political forces and international religious militant networks, such as Al-Qaeda are responsible for creating a huge divide on the basis of religion and further into sects. A recent example of students’ clash between two students’ groups is an example of state of youth in most of academic institutions. A group of student from Islami Jamiat Tulba²⁶ forcefully entered in the cultural event organized by the Pakhtun students which resulted in 05 students severely injured²⁷

In terms of target killing of civilian and progressive people, the figures are quite alarming. According to a data compiled for the Asian Human Rights Commission, that in 2013, a total of 2350 people were killed in

²¹ Country Reports on Human Rights Practices for 2016 United States Department of State • Bureau of Democracy, Human Rights and Labor, p.24

²² F.No.2(05) PR-2015/1. Comment on reference pending before SJC-PEMRA prohibits DAWN news’ programme ‘Zara Hut kay’ for three days, directs use of time-delay mechanism.

²³ <https://tribune.com.pk/story/1350463/islamabad-police-register-case-owners-blasphemous-social-media-pages/> March 22, 2017

²⁴ Facebook should be banned until blasphemous content removed: IHC

²⁵ 76 of Seminary building in capital <https://www.dawn.com/news/1321889/76pc-of-seminary-buildings-in-capital-unauthorised> Dawn, March 21st, 2017

²⁶ Student Union of a religious political party Jamat Islami in Pakistan.

²⁷ <https://www.dawn.com/news/1321934/5-injured-at-punjab-university-as-ijt-halts-cultural-event>

sectarian violence. In the same year, 2286 people were killed in terrorist attacks while 1526 were killed by Armed Forces and Intelligence Agencies. In the category of suicide attacks, 820 people lost their lives with 25 people killed in drone strikes. However, the numbers in each category could be higher than the mentioned figures, which may have not been reflected due to the inefficient reporting mechanisms, or absence of database, plus the strict state policy for reporting less number as opposite to actual numbers of casualties.

Recommendations:

- Cyber Crime Bill 2016 needed to be amended as, it is being continuously used against the Human Rights Defenders, who are raising voice for the rights on different social media networks.
- The State should review role and authority of PEMRA, its obligation under the Constitution of Pakistan and international treaties and covenants.
- The State should ensure implementation of National Action Plan, “Strict action against the literature, newspapers and magazines promoting hatred, extremism, sectarianism and intolerance”.

O. Internally displaced persons (IDPs)

Situational analysis:

Pakistan is known for hosting large number of refugees and Internally Displaced Persons, 38 million people in 2015, compared to barely two million in 1982. In South Asia, at the end of 2014 there were at least 4.1 million IDPs, a spike of 1.8million from the previous year and increasing. Pakistan accounted for 48% of the region’s displaced population, Afghanistan and India a fifth each (South Asia RefWorld 2015). In 2009, 77,516 families (46 per cent of them women) were residing outside camps for internally displaced persons (IDPs), and 14,668 families (91,004 individuals, of which 49 per cent were women) in the IDP camps. More than 1.7 million of these IDPs were forced into displacement by the Swat military operation in 2008.

The latest military operation *Zarb-e-Azb* in northwest of Pakistan, launched in 2014, resulted in 1.6 million new or previously displaced people in 2015. More than **237,699** displaced families have returned to their homes and remaining are **66,472** under the process of return . Additionally, **381,275** Afghan refugees still live in Pakistan. Among 45% of women returnees, 15% are head of household (overall 21% women are registered as head of the household). According to government statistics 26% partially while 74% houses are fully damaged in North Waziristan.²⁸

It is worth mentioning that during the operations, there had been insensitive approach of indiscriminate aerial attacks resulting in killing and injuring of more than 600 of innocent people and injured reported by Amnesty International²⁹.

²⁸ Pakistan: FATA Return Weekly (from 21 February to 02 March 2017)- Humanitarian Snapshot by UNOCHA <http://www.unocha.org/pakistan/>

²⁹ “Will I be next” US drone strikes in Pakistan by the Amnesty International 2013. The Pakistan Army and Its role in FATA by Shuja Nawaz, CTC Sentinel Volume II, Issue 1.

In terms of state policy and legal frameworks, lack of a National IDP policy has serious implications for the fulfillment of basic human rights as well as constitutional rights of IDPs as citizens of Pakistan. Moreover, IDPs from FATA are marginalized with most legal frameworks non-applicable to them, essentially rendering them unequal citizens and further compounding the rights violations of IDPs, particularly women. The term Temporarily Displaced Person (TDP) is undermining rights of IDPs those are given in the UN Guiding Principles for IDPs.

Another crucial factor is the state return policy for IDPs is posing a fear of victimisation among IDPs by the security agencies. For instance, an eight-page long security agreement, 18 termed as a “social contract” between the political administration represented by the Political Agent, North [Waziristan and various tribes states: “Tribes will prevent emergence of militant organisations... Government may help the tribe on request” (Clause 1, page 2). Furthermore, the state’s demand for local policing is a serious concern among IDPs willing to return to their homeland. The agreement states, “Tribes will prevent their homeland from local and international militants and terrorists” (Clause 4, page 3)³⁰.

The state run service delivery mechanisms are unable provide services due to weak local infrastructure in southern districts of KP. In addition, insufficient implementation of laws results in financial burden on IDPs, many issues such as low cash grant awarded to IDPs, child labour, SIM blockages, forcing single women/widows to travel to the mobile head office

On the other hand, non-government organisations are facing difficulties in obtaining access and No Objection Certificates (NOC) in contributing towards the humanitarian crises. Many IDPs still have difficulty to obtain the Computerised National Identification of Cards (CNICs). Reconstruction and reconciliation process is another area which requires, state attention to address critical issues of human rights violations such as women have not been included in any of the committees or decision making processes.

Recommendations

- Military to refrain from the indiscriminate bombing and shelling on the innocent civilians in the troubled areas. Develop a significant early warning system and arrange transport for civilians who evacuate the conflict areas.
- Prioritize alternative dispute resolutions, where concerned people (not just the *Maliks*) negotiate their issues with the government institutions particularly the political administration of FATA. There should be no compromise on human rights and women’s rights at ‘peace’ talks between the army, government and militants.
- Ensure clear insurgency response policy to be developed and the role of the army/police/CSO/district government to be clearly delineated in order to avoid confusion and ensure accountability. Ensure complete disclosure of the data to the public and relevant organisations.
- There should be a pre-defined policy before any military operation, so that the issues of displaced persons could be handled properly.
- Disarmament of all combatants and disband the policy of forming groups of armed volunteers or *laskhar*.

³⁰ Social Contract-South Waziristan, 2015, Political Agent North Waziristan as representative of Governor Khyber Pakhtukhwa and FATA vs Tribes Utmanzai, Wazir, Dawar, Syedgai, Khaseen.

- Ensure compensation to be paid by cash through the banks, for all losses and damages assessed by GIS and prioritise through a policy. The compensation to widows and single women IDPs should be made as a priority.
- Develop a policy and mechanism for IDPs to attain property/ shelter/ jobs in other parts of the country under their constitutional rights.
- Ensure women IDPs are included in any *jirga* or committee held as well as the successful/practical income generation plans and cash for work schemes. Uphold the right of women to mobility, education and work with IDP status and after they return to their homes.
- Rehabilitate IDPS as early as possible without forced return. Fulfil the right to safe return or not to return if the environment is not safe, and maintain security and safety in the camps as well as right to move freely and obtain NOCs.
- Ensure the access of humanitarian actors to the IDP camps and provide them humanitarian guards along with facilitation of NOCs.
- The state should ensure an increase public awareness of CNIC cards and ensure IDPs particularly are registered with CNICs with particular attention to women headed households, widows, women with disability and other at-risk women.
- Appoint a judicial commission to investigate all that befell victims in this war on terror and the needs for changes in the law, constitution and policies.
- Train (with the private sector) women IDPs at camps/ off camps (with particular attention to women at-risk including widows, female headed households and disabled women) in indigenous as well as the modern skills (stitching, embroidery, beadwork etc).
- The State should ensure voices of civil society are heard, particularly women's groups or Shuras, joint dialogues to understand Talibanisation and the motivation behind suicide bombers. Furthermore, identify with civil society qualified women to sit in various peace negotiations arranged by the government of Pakistan.
- Any aid given should be fully contingent on the meaningful involvement of women as decision makers in the processes and the state's fulfilment of international instruments and recognition of IDP rights in accordance with international guiding principles and standards.
- The IDPs student children should be given special relaxation, so that the lapse of few academic years could be compensated. There should be a special quota of IDP students in colleges and universities.
- The displaced persons from 6 FRs should also be recognized.
- Compensatory amount allocated for IDP families should be increased.
- The displaced persons should be given the status of IDPs instead of TDPs.
- The state should sign the convention on refugees and adhere to the Guiding principles on IDPs, Pinheiro Principles, 2005 and international standards and principles related to refugees and IDPs.
- The state to fulfil its commitments (housing, education, food etc..) to its citizens (IDPs) under the constitution: The Principles of Policy, Chapter II, in Article 38 (b) and (d) of the Constitution of Pakistan 1973 and civil society and humanitarian actors' rightful role in these processes and programs as they are often blocked.

Khyber Pakhtunkhwa and FATA Civil Society

FATA Commission of Human Rights, Khwendo Kor, Academia, Noor Education Trust, Human Development Organization Doaba, ERAW Alliance, Community Awareness and Resource Development, Democracy Reporting International, Provincial Civil Society Network, Community Rise Programme, Shirkat Gah, FATA Lawyers Forum, Strengthening Participatory Organization, The Hawwa Lur, Peshawar Singh Sewa Society, Society for Rural Development, Legal Awareness and Advocacy Services, FATA NGOs' Alliance, The Rising Hope, Blue Veins, Aurat Foundation, National Youth Organization, Diocese of Peshawar, South Asia Partnership-PK, Media, Faith Friends Welfare Organization, FATA Youth Empowerment and Development Association. Takara Qabilee Khwendy, Women Action Forum Peshawar.

Endnotes:

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[Who will defend the defenders?](#) By Reema Omer ,DAWN, MAY 31, 2016

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