**Overview of Human Right violations in Khyber Pakhtunkhwa**

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November 11, 2020

The 34th Annual General Meeting of HRCP was held on 8th November 2020 in Lahore. Among reports of different chapters, the one that caught one’s eye was of Khyber Pakhtunkwa. (Period September 2019-October 2020. The report was prepared by Peshawar HRCP Chapter and presented by the newly elected Vice President of HRCP KP Chapter Advocate Kamran Arif.

Some of the pertinent points stick out like a sore thumb. These need urgent attention.

The merger of formerly Federally Administered Tribal areas of Orakzai, Bajur, Mohmand, Kurram, and North & South Waziristan with KP has not led to an increase in quality of life for the people. It has rather led to regression. As Advocate Kamran Arif said, “It’s not the FATA that has merged into KP. It’s KP that has merged in FATA.” A puzzling statement until one understands the background.

FATA has continued to be a legacy of the system established by pre-partition British India. Little had transpired to change the socio-politico landscape of FATA. No major initiative for the development of FATA was taken in 1980’s and in 1990’s except the introduction of adult franchise in 1997. This was not supported by extension of Political Parties Act to FATA, as a result; the impact was less significant in general uplift of the tribesmen.

On June 25th 2013, on the front page of The Nation an advertisement was placed by the FATA Grand Assembly Peshawar titled as “FATA Declaration”. This advertisement, by the tribal elders, religious clerics, political and social activists, students, women activists, lawyers, journalists, teachers and other citizens from FATA claiming to have come together from all seven agencies had adopted the Declaration. The Constitution of Pakistan 1973 assures all its citizens the Fundamental Rights including right to fair trial, right to freedom of speech, right to access to information, liberty, dignity, equal protection under law, privacy of the home, so on and so forth. Similarly laws cannot be made that ignore the principle of double jeopardy, detention without legal counsel, retrospective punishment etc. The Declaration beseeched that these fundamental rights must be ensured for the people of FATA. (Article 247 of the constitution of Pakistan granted a special status to FATA, whereby no act of Parliament or the jurisdiction of the High /Supreme Judiciary extendable to the region.)

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Lack of awareness of residents of the newly merged districts regarding laws and judicial system at large, make it tough for them to redress grievances. FCR was abolished upon the merger. A law similar to FCR was introduced allowing the system to run more or less the same. This was struck down by the Peshawar High Court as being unconstitutional. At this point reportedly, the issue is in limbo. Here comes the practical problem: there are no courts at any level so far established in former FATA area and neither are there any jails. This is a situation the government must address with urgency. Another related issue is lack of computerized ownership of land.

Further confusion is created with passing of an Act in 2018 by the KP Provincial Assembly, vide which all regulations which were applicable before the 25th Amendment in the Constitution will be applicable as before; says Advocate Sher Muhammad Khan.

The second crucial emerging problem is re-emergence of splinter groups of Taliban. If left to grow, the problem will spin out of control, destroying all the hard work done. As per report 45 terrorism incidents were reported in 2019 alone. South Waziristan topped the others with 25 incidents causing 17 deaths, and 26 wounded. Bajur & Khyber followed with 15 & 12 terrorists attacks each. 26 Security Personnel were killed in 2020 as opposed to 54 killed in 2019 with 107 security personnel injured in 2019. Increasing militancy is posing added problems for a weak economy.

A third of all mines in the district are high risk as per a survey that followed mine collapse in Safi Tehsil of Mohmand tribal district that caused the death of 23 miners and injuring 20 others. The government must put the necessary mechanisms in place to avoid a similar cave in as seen in Safi Tehsil. The government had announced had approved a package of Rs, 500,000 and Rs 300,000 alternatively in case of death, the same has not been so far released. An appeal through this column is made to Dr Shireen Mazari, the Minister for Human Rights**,** to have the amount released to the families.

Another shocking fact that Minister for Human Rights must look into is issuance of B Class domicile to minorities in Khyber district as opposed to A Class domicile to locals which is a discrimination against the minorities largely consisting of Hindus, Sikhs and Christians. Likewise, job opportunities offered to them are usually at lower level (particularly the Christians).

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Transgender are a target in KP. However, the provincial government had allocated Rs 321 million for the betterment of transgender people in 2017**.** The Human Rights Minister may like to address this issue too.

“A nation which accepts to live a third-class life is just a third-class nation! If a nation wants to be called honourable nation, it must use the option to refuse any kind of policy which is against human dignity! No refuse, no honour! If you don’t refuse a bad government, you deserve it all the way!”  
― **Mehmet Murat ildan**

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