

KHYBER PAKHTUNKHWA





- The overall number of deaths from violence, including terrorism, increased by 59 percent from 2021. Khyber Pakhtunkhwa (KP) witnessed 221 incidents of terrorism—the highest number of such occurrences in Pakistan in the year.
- The government’s response to the rising tide of terrorism was indecisive: initially, it denied reports that militant organisations were regrouping in several districts of the province, despite widespread demonstrations by citizens calling for militancy to be uprooted.
- Around 30,000 candidates took part in the second phase of local government elections held in 18 districts of KP on 31 March. The Election Commission of Pakistan identified numerous violations of its code of conduct during the campaigns.
- Women’s participation as voters in the local government polls remained far below that of men.
- Flash floods affected the northern and southern parts of the province, displacing more than 600,000 people, damaging 76,700 houses, killing 13,228 cattle and destroying crops across 60,752 acres of land.
- The Commission of Inquiry on Enforced Disappearances reported receiving 202 cases of enforced disappearance from KP in 2022. KP continued to account for the largest number of missing persons traced to internment centres.
- Legislative activity in the KP Assembly remained lacklustre throughout 2022 in the wake of Imran Khan’s removal as prime minister through a no-confidence vote in April. However, the Child Protection and Welfare (Amendment) Act provided for stricter punishments for such crimes against children as sexual abuse, pornography, organ trade and trafficking.
- Polio cases continued to surface in the tribal districts where resistance to polio vaccination was strong and widespread.
- Violating women’s freedom of movement, an all-male *jirga* in Bajaur banned local women from visiting picnic spots, while hundreds of religious activists in Bannu demanded that the government shut down a family park to prevent couples from visiting it.
- The monthly minimum wage was raised to PKR 26,000—higher than anywhere else in the country.

- Three Sikhs and a Christian priest died in armed attacks targeting religious minorities in the provincial capital of Peshawar.
- Transgender persons were targeted in several deadly attacks, particularly in the central and northern parts of the province.



Overview

In many ways, 2022 bore grim echoes of the province's past, particularly in the political sphere. It was, for instance, ruled by a party, the Pakistan Tehreek-e-Insaf (PTI), which lost power at the federal level to the Pakistan Muslim League (N) (PMLN) and its allies in April when the prime minister Imran Khan was ousted through a no-confidence vote in the National Assembly. The consequences of this change became apparent in the second phase of local government elections in the province, which took place when the PTI's federal government was facing its terminal decline. These elections became a battlefield in which each side employed every tactic possible to outsmart the other. This tug of war continued even after the local government elections, as the provincial government did whatever it could to prevent the administrative and financial empowerment of the newly elected local government representatives.

The frequency and intensity of attacks by the Tehreek-e-Taliban Pakistan (TTP), Islamic State and other extremist groups increased in the year. The main target of their attacks were the police, whom the TTP had earlier pushed out of several areas, including Swat. Many political activists, tribal elders and even independent observers pointed out that this resurgence of terrorism was a direct outcome of the PTI's policy of 'appeasement' towards fighters associated with the TTP who were allowed to return home in KP from Afghanistan after the Afghan Taliban took over power in their own country in August 2021. The army also engaged with the TTP in dialogue – just as it had done in the 2000s – to secure peace but without involving the residents and elected representatives of the terrorism-affected areas. There was also an increase in opposition to polio vaccination and attacks on government workers engaged in polio vaccination campaigns.

In yet another worrisome reminder from the past, floods wreaked havoc in many parts of KP – just as they had done in 2010. Experts warned that such devastating floods could become routine due to climate change such as increases in average temperatures, shifts in rainfall and snowfall patterns and melting of glaciers as well as administrative mismanagement leading to deforestation, encroachments on waterways, lack of implementation of building regulations, and the degradation of rescue and rehabilitation services.



Laws and law-making

The KP Assembly could not pass much legislation in 2022 because of the continuing political crisis that started early in the year with Imran Khan's removal as prime minister in a no-confidence vote and subsequent resignations by PTI members of the National Assembly. He announced that the PTI's provincial assembly members, too, could resign on short notice to force an early general election. This announcement effectively halted legislative activity in the KP legislature. Before this hiatus, however, the KP Assembly had passed some welcome and some questionable legislation, mostly in haste and without any serious debate. These included the following:

- The Child Protection and Welfare (Amendment) Act in June, providing for stricter punishments for such crimes against children as sexual abuse, pornography, organ trade and trafficking.
- An increase in the monthly minimum wage to PKR 26,000—the highest in Pakistan.
- The KP Universal Health Coverage Act to provide legal cover to the provincial government's flagship Sehat Insaaf Card, which covers 7.4 million families across the province.
- The KP Fiscal Responsibility Act to provide for sound fiscal risk management, sustainable public debt and transparency in the government's data related to tax collection and public debt
- The Local Government Amendment Act, widely criticised by opposition parties for taking away some important fiscal and administrative powers from the newly elected local governments in the province.
- The Resolution of Commercial Disputes Act to provide for the establishment of special courts for swift resolution and disposal of commercial disputes in order to strengthen contract enforcement and remove barriers to ease of doing business.

The provincial assembly also passed a resolution in August, asking the federal authorities to ensure that the residents of Shivah tehsil in Bannu district received the right to use the natural gas discovered in their area.¹ Moved by a PTI member of the provincial assembly, the resolution pointed out that local residents were resisting the laying of a pipeline to take the newly found gas to other parts of the country because they believed that their right of first use was being violated.

Later, in mid-December, the provincial assembly amended the Ministers (Salaries, Allowance and Privileges) Act amid strong resistance by the

opposition, which alleged that the act had been passed by the ruling PTI to provide 'blanket immunity' to those who used the provincial government's helicopters unlawfully.²

Administration of justice

The Peshawar High Court took up several high-profile cases throughout 2022 as it went on to adjudicate on such administrative affairs as petroleum exploration, road construction, supply of gas to the cement sector, designated parks, bans on TikTok and suspending the addition of a fuel price adjustment to electricity bills.

In May, the Peshawar High Court scrapped a parliamentary committee's refusal to endorse the elevation of three district and sessions judges from KP to the provincial high court.³ Made in line with multiple other judgments over the Parliament's role in judicial appointments, the verdict stated that parliamentarians did not have the constitutional power to reject anyone recommended by the Judicial Commission of Pakistan, headed by the chief justice of Pakistan, for appointment as a judge to the Supreme Court and the high courts.

A month earlier in April, the Peshawar High Court had directed the city's district administration to designate a place for protests to prevent traffic jams.⁴ The court heard a similar petition filed by a senior journalist seeking a ban on political and other protests that led to the blocking of roads and disruptions to people's movement.⁵ At the same time, the high court gave several judgments to protect fundamental rights. In January, it ruled that the deputy commissioner of Lower Dir district had illegally detained 24 people under the Maintenance of Public Order Ordinance (MPO) 1960 for running stone-crushing plants without the government's permission.⁶ The court said the detained people should have been dealt with under the relevant laws, not under the MPO, if they were involved in any illegal activity.

In February, it ruled against discrimination in the payment of compensation to the heirs of a dead Christian policeman who had been employed on special contract and was killed during a terrorist attack on Peshawar's All Saints Church on 22 September 2013.⁷

In a salient judgment issued in August, the Peshawar High Court set aside a provincial government notification that had empowered Dera Ismail Khan's district administration to register criminal cases against individuals identified by federal minister Ali Amin Gandapur to have committed offences against the state and/or incited armed forces personnel to mutiny.⁸ The court ruled the notification had no legal or constitutional validity. A month later, the Abbottabad Circuit Bench ordered the release of Jamiat Ulema-e-Islam (F) (JUI-F) leader Mufti Kifayatullah, his two sons and a driver arrested under the MPO 1960 for protesting against the electrocution of a baker during a government crackdown against the use of polythene bags.⁹

The Peshawar High Court took up several other issues of public interest as well. In April, it ruled that a dual national could not be barred from contesting local government elections.¹⁰ The case came up for hearing after an Australian-Pakistani Sardar Shuja Nabi had won as Abbottabad's mayor on 31 March.

In May, the high court vacated its own stay order against the actions of the provincial Environmental Protection Agency and directed brick kiln owners to ensure early conversion of their conventional kilns to environment-friendly zigzag technology.¹¹ The judges said they could not allow brick kilns to pollute the atmosphere just because their owners could not afford to make the technological switch. In August, the court rejected the bail application of 29 people charged with lynching a murder suspect and vandalising a police station in Bajaur district two months earlier.¹²



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In March, the Peshawar High Court ordered the compulsory retirement of a senior civil judge after he was found guilty of assaulting a woman at his official residence in Lower Dir district.¹³ The order was issued after an inquiry team found the judge to have breached his office's code of conduct.

One of the biggest challenges to the administration of justice in KP originated outside the court when lawyers and civil servants observed a token strike for several days in June after an altercation. The dispute began with the arrest of Peshawar-based lawyer Syed Ghufuranullah Shah, who had allegedly stopped an additional assistant commissioner from conducting a raid at a petrol station. The police alleged that many lawyers had later hurled bricks at the main entrance of the deputy commissioner's office.¹⁴ In October, the high court quashed the police case against lawyers for the attack.¹⁵



Law and order

Rising militancy. The year 2022 began with news of four military officials killed in a clash with militants in the North Waziristan district.¹⁶ The TTP accepted responsibility for the killings. A few weeks later, on 4 March, a suicide bomber exploded himself amid worshippers gathered for Friday prayers inside a Shia mosque in Peshawar's Koocha Risaldar neighbourhood, killing 56 people and injuring many others.¹⁷ The Islamic State later claimed that the bomber was associated with it.

Acts of terrorism, particularly attacks on law enforcement agencies, reached their climax in the latter half of December when 33 militants being interrogated inside a Counter-Terrorism Department building in the southern city of Bannu overpowered their guards and took them hostage, seeking safe passage to Afghanistan.¹⁸ It took security forces three days to regain control of the building.

There was an overall spike in violence in KP in 2022. A report prepared by an Islamabad-based think-tank stated that 633 people lost their lives in KP to various incidents of violence in 2022. This represented a 59 percent jump in such deaths since 2021.¹⁹ When compared to other provinces, these incidents paint a grim picture of law and order in KP.

Faltering government response to militancy. The government's response to the rising tide of terrorism, however, was both indecisive and ineffective. Initially, it denied reports that militant organisations were regrouping in several districts of the province, including Swat. In October, for instance, the inspector general of police Moazzam Jah Ansari told the media that there were no terrorists in Swat and the situation in the district was under control.²⁰

Local residents in several districts, on the other hand, had been protesting for the past five months against targeted killings and extortion due to the increased presence of TTP associates in those districts. Some provincial ministers had also received demands for protection money.²¹ In October, thousands of residents of Swat and Shangla took to the streets to protest militant attacks on multiple occasions.²²

The government announced it would engage with the TTP in dialogue to secure peace during the Islamic month of Ramzan; in June, the army-led dialogue floundered after the TTP's extraordinary demand for the merger of the former tribal agencies with KP to be reversed.²³ Subsequently, the government intensified the presence of law enforcement agencies in various districts. According to the provincial police chief, in Swat alone the police were establishing at least 18 check-posts in the mountains to monitor the movement of suspected external elements.

Public response. The people of KP, however, were not satisfied with these government actions. They held several demonstrations in Swat, North Waziristan and other parts of the province. The mothers of five students and teachers who had been killed in the Army Public School attack in December 2014 also moved the Peshawar High Court in July against what they called the government's desire for 'reconciliation with terrorists' without taking the victims into confidence.²⁴



The people of KP held several demonstrations in Swat, North Waziristan and other parts of the province to protest the rise of militancy.

In late October, a grand *jirga* of eminent local residents and politicians from Malakand division declared they would 'neither form a peace force' to combat militants nor 'support any military operation' in their area.²⁵

Attacks by militants. Two leaders of the Awami National Party (ANP), a PTI member of the provincial assembly,²⁶ a senator associated with the Pakistan People's Party (PPP)²⁷ and the deputy speaker of the KP Assembly all suffered deadly attacks by militants and were lucky to survive. Two senior leaders of the Jamiat Ulema-i-Islam (F) (JUI-F) in Bajaur district²⁸ and several peace activists in North Waziristan, however, succumbed to separate targeted attacks.²⁹ TTP militants also kidnapped three employees of a phone company in Swat, hit two industrial units and a government hospital and attacked at least five check-posts of law enforcement agencies.

Crime and police excesses. Data from the KP police indicates that at least 3,345 people were murdered in 2022, while 103 honour killings and 277 rapes were registered as crimes (Table 1). The number of police encounters documented was 108.

Table 1: Crime statistics for KP in 2022

Offense	Number of victims
Rape	277
Gang-rape	2
Murder	3,345
Honour killings	103
Domestic violence against women	465
Acid crimes	0
Blasphemy cases	47
Law enforcement personnel killed in the line of duty	187
Police encounters	108

Source: KP Police, in response to HRCP's request for information

Jails and prisoners

Prison capacity. Data from the KP Prisons Department indicates that, as against a sanctioned capacity of 13,106 inmates, the province's 38 jails held 14,079 prisoners, implying overcrowding by 7 percent. Under-trial prisoners far outnumbered convicted prisoners at a ratio of 4.4 to 1. Table 2 gives additional data on the prison population in KP.

Table 2: Prisons data for KP in 2022

Total number of male inmates	13,394
Total number of female inmates	171
Total number of juvenile inmates	514
Total number of under-trial prisoners	11,034
Total number of convicted prisoners	2,513
Number of children living with their mothers in jail	33
Number of persons on death row	152

Source: KP Prisons Department, in response to HRCP's request for information

Online court hearings. In the latter half of 2022, the Peshawar High Court ordered a district and sessions judge to visit the prisons in the city to see if online judicial proceedings could be conducted for those prisoners who needed to make only routine appearances in court. A subsequent government statement said that around 280 prisoners were taken every weekday from jail to the district and sessions court to participate in their hearings; their transportation created several

problems, including their security and the financial and administrative resources required to move them between the jail and the court.³⁰

The first experimental online hearing also took place in October when 20 prisoners were produced before district and sessions judge Ashfaq Taj and judicial magistrate Hassan Mehboob via a video link.³¹

Enforced disappearances

The Commission of Inquiry on Enforced Disappearances (COIED) reported receiving 202 cases of enforced disappearance from KP in 2022. The official data indicates that, since the COIED's inception in 2011, of 3,369 cases received as of end-December 2022, 595 persons had returned home, 818 were traced to internment centres and 119 to prisons, while 66 dead bodies were located over the course of 11 years.

At the end of the year, the COIED still had a balance of 1,334 cases of enforced disappearance from the province.

Death penalty

While no executions are reported to have taken place in KP in 2022, the death penalty was handed down in at least 11 cases during the year, according to HRCP's own data, based on media reports.



Freedom of thought, conscience and religion

Life for KP's small non-Muslim population has always been precarious but was even more so in 2022, as a result of faith-based violence. The first such incident occurred in late January when a Christian priest, William Siraj, was gunned down; the attack also left another priest injured.³² A Sikh man was shot dead in Peshawar the same day.

In March, an Ahmadi doctor's clinic was attacked in the city's Scheme Chowk area.³³ He was not at the clinic at the time but a Muslim patient was killed while another sustained injuries. In April, police in Swat district recovered a Sikh boy who had been kidnapped by a self-professed Muslim spiritual healer based in Lahore.³⁴ He had kept the boy in captivity for five months and did not set him free even after receiving PKR 5.5 million from the latter's father as ransom. A month later, in May, two members of Peshawar's Sikh community were killed after unidentified gunmen opened fire on them in their spice shops.³⁵

Freedom of expression

Curbs on press freedom. Freedom of expression remained under pressure in various parts of KP throughout the year. In the second week of May, a journalist, Khadim Afridi, was picked up by Counter-Terrorism Department officials from the Bara area of Khyber district on his way home from a local press club. He was accused of involvement in the decade-old murder of a police officer. A court later released him on bail.³⁶

In October, officials of the police's elite force in Lower Dir district tried to snatch the camera and mobile phone of a local journalist, Ihsanullah Shakir, who was filming action against students protesting over what they called the unfair marking of their examination papers.³⁷

Digital rights. In mid-May, residents of Bajaur district took out a protest rally to demand the restoration of internet services, suspended in their area two months earlier ostensibly for security reasons.³⁸

In June, the Peshawar High Court was informed by the Pakistan Telecommunication Authority (PTA) that its order to remove objectionable content from the social media app TikTok had been complied with. The PTA also told the court that it was in constant contact with the company that ran TikTok and had devised a mechanism for suspending those accounts that shared 'immoral' content and subsequently blocking them.³⁹

Human rights defender Professor M. Ismail and his wife continued to face fabricated cases on charges of hate speech and cyber-terrorism, with a local court indicting him on these charges in December.⁴⁰

Freedom of assembly

In August, police in Swat lodged a case against several peace protestors for allegedly chanting slogans against security forces.⁴¹ In late October, people in South Waziristan district protested against the absence of 3-G and 4-G internet services in their area. They threatened to boycott the government's polio vaccination campaign if they were not given access to faster internet facilities. The police later arrested 19 people on charges of refusing to vaccinate their children against polio.⁴²

State violence against protestors. While freedom of assembly remained under stress in the province, public opinion as well as the authorities remained divided over its judicious use. As some sections of society blocked access to thoroughfares to protest on various issues, others found their protests to be a public nuisance. Government officials, for their part, often used force to disperse protestors and reopen blocked roads. In the second week of May, police in Peshawar arrested 19 employees of the Workers' Welfare Board after baton-charging and tear-gassing them outside the provincial assembly's building where they were protesting along with 300 or so colleagues—including some women—to seek the regularisation of their jobs.⁴³ The police accused them of having blocked access to roads illegally.

In August, police in Peshawar used teargas and batons to disperse the protesting secretaries of village and neighbourhood councils, injuring scores of them because they had reportedly blocked roads and caused traffic jams.⁴⁴ The police also arrested 30 protestors who were demanding that the provincial government upgrade their pay scale.

In early October, police in Lower Dir district fired in the air and used batons to end a protest by local students who had blocked the roads after obtaining low marks in their intermediate examination.⁴⁵ In late October, police in Peshawar arrested dozens of schoolteachers after using batons and teargas to disperse a rally taken out to demand their pay scales be upgraded and allowances restored.⁴⁶ The Primary School Teachers Association later closed around 15,000 government primary schools for boys for a day across the province in protest against the police action.

Designated space for protests. The complexity of the problem forced the administrative and judicial authorities to devise a solution that would allow protestors to raise their voices without causing problems for the public. In April, therefore, the district administration designated Peshawar's historic Jinnah Park for public protests.⁴⁷

The order to do so came from the Peshawar High Court, moved by several citizens, including a senior journalist, to disallow protests on the city's busy roads and commercial areas. The solution proved impractical because it was restricted to Peshawar and because the district administrations had neither the training nor the ability to keep public protests within legal limits and handle them peacefully.

Violence by protestors. Mobs instigated over real or imagined religious insults – often violating their right to freedom of peaceful assembly – were another key problem that the administrations failed to address during the year. A shopkeeper accused one of his customers of having made sacrilegious remarks during a dispute between the two in Kurram district.⁴⁸ The accusation caused a mob to gather, bent on killing the customer who had by then been taken into protective custody by law enforcement agencies. The mob then attacked a police station and ransacked some government offices so violently that paramilitary forces had to fire gunshots to disperse the crowd, resulting in the deaths of two people.

Police in Haripur district registered anti-terrorism cases against 80 people associated with the Tehreek-e-Labbaik Pakistan (TLP) in October allegedly for having injured 33 police officers and damaged public and private property.⁴⁹ The incident occurred when the police tried to stop a TLP-led religious procession from proceeding to a place where such processions had been banned.

Security as a pretext for curbs. Freedom of peaceful assembly also often come into conflict with supposed or actual threats to national security. This was the reason the provincial government imposed Section 144 in the Wana subdivision of South Waziristan district for ten days, banning all public meetings and processions.⁵⁰ The authorities also closed a local border crossing, Angoor Adda, to stop all human movement between South Waziristan and Afghanistan. All these actions were taken following an attack on a security post in which an army major and a soldier were killed.⁵¹



Political participation

Several by-elections were held in KP during 2022 and PTI chairman Imran Khan contested all but one. He won in all three constituencies – NA-22 (Mardan), NA-24 (Charsadda) and NA-31 (Peshawar) – where elections were held on 16 October. He also emerged victorious in the fourth, NA-45 Kurram, where the election had been postponed due to poor law and order. A worrying factor in these elections was the lack of interest among voters. Turnout in any of the constituencies mentioned above did not exceed 20 percent.⁵² The same trend was witnessed in a by-poll held in Swat district for a provincial assembly constituency, where voter turnout remained as low as 17 percent.

Another controversy surrounding the by-elections for the National Assembly constituencies in KP was the blatant violation of the electoral code of conduct, which led the Election Commission of Pakistan (ECP) to impose a PKR 50,000 fine each on Imran Khan, KP Chief Minister Mahmood Khan and several members of the provincial cabinet.

Local government

Local government polls. The second phase of local government elections took place in KP on 31 March. This phase covered 65 tehsils in 18 districts of the province where around 29,338 candidates took part. The ECP stated that 3,201 women and 107 non-Muslims also took part in the second phase of the elections. Poll data collected by the Free and Fair Election Network (FAFEN), on the other hand, shows that no candidates filed nomination papers for almost 10 percent of all seats available in this phase. Of these uncontested seats, 351 were general, 533 were reserved for women, 151 were allocated to peasants/workers, 233 were meant for youth and 50 were assigned to non-Muslims.

Violations of ECP code of conduct. Worryingly, certain actions taken by the ECP suggest that the electoral process was marred by serious irregularities. The commission warned Lower Dir's district administration in early January that it should not allow the PTI to hold an election gathering to be addressed by then Prime Minister Imran Khan since such a gathering would be a violation of the electoral code of conduct. The election authorities also turned down a request by Chief Minister Mahmood Khan to visit Upper Dir district for campaigning.⁵³ The ECP also asked the provincial government to take disciplinary action against Zia-ur-Rehman, the younger brother of JUI-F chief Maulana Fazal-ur-Rehman, for taking part in electioneering despite being a government servant.⁵⁴

Dera Ismail Khan's district returning officer sent a notice to a JUI-F

member of the National Assembly, Mohammad Jamal-ud-Din, for having addressed a press conference as part of his party's election campaign.⁵⁵ The commission imposed a fine of PKR 50,000 on federal railways minister Azam Khan Swati for running the election campaign of Kamal Saleem Swati, a candidate of the ruling PTI in Mansehra district.⁵⁶ The provincial election authorities also wrote to the ECP headquarters to take action against Azam Khan Swati over his repeated violations of the electoral code of conduct.

The ECP imposed a fine of PKR 50,000 each on then Prime Minister Imran Khan, KP Chief Minister Mahmood Khan, federal ministers Murad Saeed and Ali Haider Zaidi, and provincial minister Shakeel Khan for addressing a public meeting in Malakand in violation of the electoral code of conduct.⁵⁷

Earlier, during a by-election for local government held in January, the ECP had directed the KP chief secretary and inspector general of police to 'forcibly' expel the federal minister for Kashmir Affairs, Ali Amin Gandapur, from Dera Ismail Khan district over his repeated violations of the electoral code of conduct.⁵⁸ He was accused of participating in the election campaign of his brother, Umar Amin Gandapur, a candidate for Dera Ismail Khan's mayor, and for announcing development schemes in the area. He had earlier been fined PKR 50,000 for similar violations.⁵⁹ The ECP also disqualified Umar Amin Gandapur from contesting the election because he was found to be using the provincial government's influence in his favour. The superior courts, however, later allowed him to run for the seat.⁶⁰

Changes to local government law. The aftermath of the local government elections did not bode well for the devolution of power in the province. While the ruling PTI won more seats than any other party in the second phase—in contrast with its performance in the first phase—it tried to retain financial and administrative control of local governments by making some major changes in the relevant law.

In June, the newly elected mayor of Mardan city, Himayatullah Mayar of the ANP, moved the Peshawar High Court against amendments to the law. He informed the court that the KP Local Government Act 2013 clearly laid down the powers and responsibilities of local governments, but held that the recent amendments had made the exercise of those powers and discharge of those responsibilities subservient to the rules the provincial government would make.⁶¹

In April, a report stated that the provincial government had 'failed to frame rules of business' in the last three years for running the 'two-tier new local government system' in the province. These rules defined the procedures and processes through which elected representatives were supposed to exercise their powers and discharge their responsibilities.⁶²



Women

Low political participation. The plight of women in KP was no different in 2022 than in the preceding year. Of the 3,000 women participating as candidates in the second phase of the local government elections on 31 March, only 33 vied for general seats. The rest contested reserved seats, on 533 of which, not a single female candidate filed her nomination papers.

Women's participation as voters in the polls remained far below that of men. News reports suggest that very few women left their homes to vote in several districts in the central and northern parts of the province. Polling data collected by FAFEN from the by-elections held in the province in October shows that the turnout of women voters remained below 10 percent at 43 female polling stations in NA-31 (Peshawar), at nine female polling stations in NA-24 (Charsadda) and at three female polling stations in NA-22 (Mardan). At one female polling station set up in the Government Girls High School Aslam Killi in NA-22 (Mardan), none of the 1,348 registered voters turned out to vote.

Restricted access to public spaces. Women's lack of participation in the electoral process was not the only negative indicator of their poor visibility in the public sphere. Men sought to impose serious restrictions even on their right to freedom of movement. In one instance, an all-male council (*jirga*) of local tribal elders in Salarzai tehsil in Bajaur district in mid-July banned local women from visiting picnic spots.⁶³ They vowed to implement the ban themselves if the government failed to do so within a day. The *jirga* was organised by the local chapter of the JUI-F, which was part of the ruling coalition at the federal level. In the second instance, less than a month later, hundreds of religious activists marched in Bannu city, demanding that the government shut down a family park set up in the city's garrison area.⁶⁴ They were enraged that thousands of couples had visited the park on 14 August, which they saw as anathema to local traditions.

Violence against women. As early as 22 January, the Peshawar High Court ordered the provincial government to provide security to a woman and her husband from Kurram district because her male relatives had hired assassins to kill her for marrying of her own choice.⁶⁵ Both the local police and tribal elders had refused to take responsibility for her security the whole year, forcing her to live in a shelter home.

Violence against women continued unabated in the province. In February, a woman and her alleged lover were killed in the Bakakhel area of Bannu district by her brother-in-law.⁶⁶ In August, three women, including two sisters, were killed in the name of honour by their brother in Peshawar's Daudzai area.⁶⁷

In September, a 24-year-old female seminary teacher went missing from her home in Peshawar's Badhaber area and was later found murdered; local police said she had been killed for 'honour' by her male relatives.⁶⁸

In September, a pregnant woman was tortured to death by her husband and father-in-law in Razaar tehsil of Swabi district in a domestic quarrel.⁶⁹ In October, the police recovered the body of a woman buried in the front yard of her house after she was killed by her husband and mother-in-law in Charsadda district.⁷⁰ Later in the same month, a woman and her daughter were killed by her husband and in-laws in Charsadda district for having 'damaged' the family's honour.⁷¹

Transgender persons

Alarming levels of violence. March was a litany of violence for transgender persons in KP. On 13 March, five transgender persons were injured when a disgruntled ex-lover opened fire on them in Mansehra.⁷² One of the injured persons died a few days later in a hospital. On 17 March, a trans woman, Chaand, was shot dead in Mardan, while another, Honey, was injured when a former intimate partner opened fire on them.⁷³ A transgender person, Sadiq alias Coconut, was shot dead and another, Salman alias Wara, was injured when unknown motorcyclists opened fire on their car on Charsadda Road in Mardan on the night between 25 and 26 March.⁷⁴ On 25 March, a trans woman, Mano, was killed by her friend Sanaullah when she asked him to return some money he had borrowed from her.⁷⁵ In the same month, the police arrested five people for trying to abduct a transgender person within the jurisdiction of Peshawar's Chamkani police station.



The month of March was a litany of violence for transgender persons in KP.

A transgender person was shot dead in Peshawar's Dalazak Road area late in July.⁷⁶ Subsequently, three transgender persons and their driver were injured in an armed attack near Peshawar's Pahari Pura police station in September.⁷⁷ A fact-finding mission conducted by HRCP found that the incident was a consequence of a personal dispute between one of the injured persons, Naina, and the accused, who had been demanding that she let him have a relationship with a junior team member.⁷⁸

The scale of violence was not ignored: several trans rights activists addressed a press conference in Peshawar on 29 March, expressing shock at the growing number of attacks against members of the trans community. They also demanded that the government take tangible steps for their protection.⁷⁹

Backlash against transgender rights law. Human rights activists have pointed out that one of the key reasons for high levels of violence against transgender persons in KP is that the province does not have a specific law to protect and promote their rights. HRCP has also noted that certain 'religious political parties' have made the federal Transgender Persons (Protection of Rights) Act 2018 controversial by 'spreading disinformation' about the law and thus contributing to the climate of impunity for perpetrators of violence against trans persons.

Children

Legislation against sexual abuse. In June, the KP Assembly passed the KP Child Protection and Welfare (Amendment) Act 2022.⁸⁰ Initiated in the wake of the rape and murder of a minor girl in Nowshera district in 2020, changes suggested in the amended act had been under discussion at multiple forums, including civil society groups and a special committee of the provincial assembly. The Act penalises those who trade in children's organs, are involved in child pornography and child trafficking, induce a child into a sexual act, or are involved in child sexual abuse. The law also provides for the maintenance of a register of sexual offenders and makes it a punishable offence to employ registered offenders. It also bars registered offenders from using public transport.

Continuing violence against minors. Despite these stringent changes, there was little difference in the plight of KP's children as cases of physical and sexual abuse continued to be reported throughout 2022. In April, a minor girl was assaulted by a man in Swat's Rahimabad area; local civil society later held protests against the police's failure to arrest the culprit.⁸¹ In July, the body of a four-year-old girl was found dumped on the banks of the Jindi River in Charsadda district; she had gone missing a day earlier from her home.⁸² In late July, police in Peshawar arrested a young man for having sexually assaulted three minor girls and killed two of them.⁸³ The body of a seven-year-old girl was found on a garbage heap in Charsadda district in September; she had gone missing a few days earlier.⁸⁴

Cases of violence against boys also surfaced in 2022. In September, an 11-year-old boy from Charsadda district was assaulted in Abbottabad by his neighbour, who had taken him there on the pretext of providing him work and education.⁸⁵ Later in the same month, the police arrested three *madrassah* [seminary] teachers from Kohat city after a video went viral on social media showing they had chained and tortured three minor students.⁸⁶ In late October, police in Kohat district claimed to have arrested a man who had killed a six-year-old boy after sexually assaulting him; the boy's body was recovered from a well in the Talab Banda area.⁸⁷

Judicial response. Some important judgments were announced during the year in relation to punishing perpetrators of violence against children. In July, an additional district and sessions judge in Haripur district convicted six teachers for negligence and ordered them to compensate a student who had lost an arm and a leg after suffering an electric shock during a morning assembly at a school in Ghazi town seven years ago.⁸⁸ The student had been told by his teachers to erect an iron pole to hoist the national flag, but the pole had grazed high-tension electricity wires overhead. The resulting explosion killed him on the spot and caused severe burns to eight others. In July again, an additional district and sessions judge in Kohat district sentenced a man to death for sexually assaulting his 14-year-old daughter. The case was registered in December 2020.⁸⁹ In August, an additional district and sessions judge in Nowshera district gave a life imprisonment sentence to a seminary teacher for sexually assaulting one of his students in December 2019.⁹⁰

Similarly, in a move to ensure the safety of homeless children, the Peshawar High Court ordered the KP Social Welfare Department in March to investigate why drug addiction was increasing among such children.⁹¹ The court also told the department to provide details of different shelter homes and the number of street children living there so that steps could be taken to improve their living conditions.

Labour

Minimum wage raised. In 2022, KP took the lead over other provinces in announcing the highest minimum wage for labourers. As part of the provincial budget proposals for 2022/23, the provincial government set the monthly minimum wage at PKR 26,000 – increasing it by PKR 5,000 in one go.⁹² Although Chief Minister Mahmood Khan announced that the increase would be implemented immediately, reports suggest that commercial and industrial concerns in KP continued to pay less than the minimum wage to their employees.

Mining accidents. As labour rights activists have continued to point out, lack of government monitoring is a primary reason that workplaces across Pakistan remain highly hazardous for labourers. This problem came to light in an accident in the Darra Adamkhel subdivision of Kohat district in October when a fire erupted in a mine due to the absence of legally required safety measures, causing severe burn injuries to three

coal miners.⁹³ A similar accident claimed nine lives in November in the province's Lower Orakzai area after a gas build-up in a mine shaft caused an explosion.⁹⁴

Internally displaced persons

Zarb-e-Azb, an anti-militancy security operation launched in 2015, has resulted in the displacement of more than a million people in western parts of KP. While most of them have returned home, thousands have been unable to do so. In June 2022, for instance, more than 5,000 families from the Sipah tribe started returning to their native Tirah valley in Khyber district, but found that armed militants still inhabited the area.⁹⁵ Many of them also complained that they could not resettle in their villages because the houses and businesses there had been completely destroyed. Consequently, the provincial government allocated PKR 40 million in July for the rehabilitation of these families and promised them that the irrigation and education infrastructure in their valley would be restored urgently.⁹⁶ These assurances convinced many of them to agree to repatriation.

In September, however, the army ordered the residents of two areas in Tirah valley to vacate their houses so that an anti-militancy operation could be launched there.⁹⁷ Several families that had returned home only recently had no option but to comply.



Education

A 2022 government survey carried out by the Benazir Income Support Programme revealed that 4.7 million of KP's 11.7 million children (aged 5–16) were out of school. One million such children lived in the tribal districts. To overcome this problem, the government needs to establish over 15,000 additional schools whereas it has the financial capacity to set up only 300 schools a year. This implies that it will take 50 years to build all the schools needed to educate all children currently out of school in KP.

The higher education sector saw its share of controversies, the most notable of which occurred at Dera Ismail Khan's Gomal University where the vice-chancellor, Iftikhar Ahmed, alleged in September that he had received death threats from federal minister Ali Amin Gandapur.⁹⁸ The allegations came in the wake of protests by students who had been expelled from the university hostels. While Gandapur did not want the university to proceed with the expulsions, the vice-chancellor insisted that the protesting students had already completed their education and therefore could not be allowed to stay on campus. The dispute also led to the closure of the university for several days.

Health

Re-emergence of polio. In May, the district of North Waziristan came under the global spotlight when two polio cases were detected only a week apart. The cases surfaced 15 months after the last polio case had been detected in Pakistan in early 2021. Both children infected were residents of adjoining union councils and neither had ever received a polio vaccine. More new polio cases were detected in the same district subsequently, with a total number as high as 16.⁹⁹

A news report cited local health officials as saying that many parents in North Waziristan were resisting the administration of polio vaccines to their children. Another major hurdle to vaccination was the lack of security in the area, which was still reportedly infested by militants affiliated with the TTP.¹⁰⁰ While only 2,000 vaccine refusals had been recorded, officials said that the actual number of refusals was much higher because the government staff assigned to administer polio vaccines avoided recording all vaccinations for fear of violence. The security threats faced by this staff were underscored by the abduction of a doctor affiliated with anti-polio programmes when he was visiting a village in Mirali tehsil.¹⁰¹ He was recovered by law enforcement agencies a week later.

Another blow to polio vaccination was dealt by an unexpected quarter when, in July, the Peshawar High Court stopped the government from

employing teachers to administer polio vaccines.¹⁰² The court gave its ruling on a petition filed by 42 male and female schoolteachers working in the Mohmand district. The teachers were of the view that the health department could not order them to administer polio drops to children. The court ruling is likely to have a negative impact on polio vaccinations in remote villages where schoolteachers are the only government employees available to carry these out.

Dengue. Polio was not the only threat to public health. Dengue fever flourished in the aftermath of the monsoon floods in the province. A report prepared by the Integrated Vector Control Programme of the health department in September showed that 3,693 dengue cases were recorded in KP in the first nine months of 2022, whereas the total number of dengue cases recorded in 2021 stood at 1,952.¹⁰³ The report revealed that 4,819 cases of malaria had also been recorded in districts hit by the floods.

HIV. In another troubling revelation, health authorities disclosed that around 25 percent of more than 800 drug addicts they had tested in Peshawar in May were infected with HIV.¹⁰⁴ The infected addicts also included a number of women.

Government response. Despite these problems, the provincial and federal governments continued to engage in a turf war over who should do what to provide healthcare to residents of the province. In one glaring manifestation of this conflict, the federal government stopped funding the free treatment of residents of the former tribal districts in July and asked the provincial government to fund their treatment from its own resources.¹⁰⁵ The provincial government said it needed an increase in its share of funds from the federal divisible pool to offer free healthcare in these districts.

Environment

Flood destruction. As in other parts of the country, the monsoon-induced floods wrought significant destruction in KP. In July and August, extensive monsoon rains in Upper Dir, Lower Dir, Kohistan, Charsadda, Dera Ismail Khan and Tank led to widespread destruction, when flash floods led to the deaths of at least 289 people.¹⁰⁶

Government reports later claimed that this natural disaster had killed 13,228 cattle, inundated 60,752 acres of cultivated land, destroyed crops that could have yielded 97,063 metric tons of food-grains and other agricultural commodities, and displaced over 600,000 people.¹⁰⁷

The floods are also reported to have damaged or destroyed 2,248 watercourses and water storage tanks, three agricultural research stations and 477 irrigation structures, 90 schools completely and another 1,096 partially, 91 health facilities (including 52 basic health units and 37 dispensaries), over 1,455 km of roads, 73 bridges and 76,700 houses (of



Extensive monsoon rains in Upper Dir, Lower Dir, Kohistan, Charsadda, Dera Ismail Khan and Tank led to widespread destruction.

which 65,165 were in Dera Ismail Khan district alone). The provincial government estimated that the total financial loss caused by the floods amounted to PKR 68 billion.

Poor air quality. In mid-January, the federal Environmental Protection Agency made the worrying revelation that air quality in some parts of Peshawar was injurious to human health because it contained more particulate matter (PM 2.5) than the permissible national limit.¹⁰⁸ The agency monitored the city's air quality from 29 December 2021 to 2 January 2022. A subsequent study by the Peshawar Clean Air Alliance, a civil society-led network, showed in April that residents of Peshawar risked losing 2.3 years of their lives due to the high levels of PM 2.5 in the city's atmosphere.

In a move aimed at rectifying the problem, the KP transport and mass transit department increased the number of parameters for checking vehicular emissions from three to six.¹⁰⁹ These parameters were last revised in 1994. Another move by the government to improve the province's environment through afforestation was, however, found to be producing less-than-desired results. In a report submitted to the KP Assembly in March, the provincial forestry department said that the success rate of plantation carried out on the outskirts of Peshawar under the Billion Tree Tsunami afforestation project was just 58 percent. The department said the main cause of this low success rate was water shortage.

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