



KHYBER PAKHTUNKHWA



HIGHLIGHTS

- The premature dissolution of the Khyber Pakhtunkhwa Assembly in January and no provincial election meant that the residents of the province remained unrepresented, and not a single piece of legislation was enacted throughout the year.
- Hundreds of PTI leaders and workers were arrested after they led violent protests against the arrest of party leader Imran Khan in May, and were subsequently prevented from election campaigning.
- Over 160 policemen, more than 70 military personnel, over 60 civilians and more than 170 alleged militants were killed in Khyber Pakhtunkhwa in 2023 in dozens of targeted militant attacks and security operations.
- There were 4.7 million children out of school in Khyber Pakhtunkhwa in 2023, including 66 percent girls, mainly due to a lack of schools.
- Khyber Pakhtunkhwa was home to nearly 150,000 registered persons living with disabilities in 2023, but ramps and braille markers meant to assist their navigation remained missing from most public and private buildings despite court orders.
- Hundreds of teachers, doctors, health workers and sanitation workers protested against delays in payment of salaries and other government dues in separate demonstrations across the province in 2023
- By end of 2023, Pakistan was home to over 1.5 million documented and 0.7 million undocumented Afghan refugees, including 0.7 million documented and 0.3 million undocumented refugees in Khyber Pakhtunkhwa. Over 212,000 were forced back into Afghanistan through the Torkham border.
- According to the government, 11 percent of Khyber Pakhtunkhwa's population is suffering from drug abuse with methamphetamine users on the rise.
- At least 40 persons were killed by rains, flash floods and dust storms that hit Khyber Pakhtunkhwa in 2023 after roofs of houses collapsed or were swept away by floods in several districts.
- In May, Justice Musarrat Hilali became the first ever female chief justice of the Peshawar High Court. In July, she was elevated to the Supreme Court as the second ever female judge in the top court.

- After the Election Commission of Pakistan lost a legal challenge in the Peshawar High Court to delay holding of local elections, local elections were held in August for 72 key positions in 21 districts.
- In January, the Khyber Pakhtunkhwa cabinet approved the Domestic Violence Against Women (Prevention and Protection) Rules 2022 allowing law enforcement authorities to prosecute domestic violence against women, including physical, psychological, and economic abuse.
- The provincial government announced a salary increase of 35 percent for its employees up to grade 16. Pensions were also increased by 17.5 percent.
- Khyber Pakhtunkhwa's first mental health-specific infrastructure, the Institute of Mental Health Sciences, was inaugurated in Peshawar to provide specialized psychiatric, counselling and rehabilitation services.



OVERVIEW

The overall situation of human rights in Khyber Pakhtunkhwa in 2023 remained turbulent, manifested, among other things, in the premature dissolution of the Khyber Pakhtunkhwa Assembly in January and a year-long delay in elections. This aberration violated the right to political representation, resulting in not even a single legislation being passed by the parliament during the year.

A growing and consistent crackdown on the PTI in the province also prominently figured during the year after its supporters went on a rampage to protest the arrest of the party's leader Imran Khan in May; dozens of its leaders and supporters were arrested and made to face legal cases, including trials in military courts. The courts repeatedly intervened to provide them relief but there was no effective let-up in the persecution.

The province also witnessed an escalation in terrorism-related violence that saw dozens of militant attacks, resulting in the death and injury of hundreds in the province, including civilians and security personnel. The rights of women, children and other vulnerable groups, as well as under-trial prisoners, also remained distinctly overlooked during the year.

This included a pendency, by the end of 2023, of over 41,000 cases in the Peshawar High Court (PHC), and a backlog of more than 280,000 cases in the district judiciary. Some 4.7 million children also remained out of school, and a gender voter gap persisted with nearly two million fewer women voters compared to men in the updated provincial voters list by the Election Commission of Pakistan (ECP).

Another major grievance that emerged in the last quarter of 2023 was the state's crackdown against Afghan refugees lacking legal documentation, ordered to return to Afghanistan voluntarily or face deportation. Thousands of Afghans from Khyber Pakhtunkhwa were forced back into Afghanistan, potentially facing a bleak social, political and economic future from which they had fled into Pakistan.



RULE OF LAW

Laws and law-making

Seven months before the completion of its five-year constitutional term, the Khyber Pakhtunkhwa Assembly was dissolved on 18 January 2023 after the provincial governor accepted the dissolution advice issued by the chief minister.¹

In December 2022, PTI chairman Imran Khan had announced his party's decision to dissolve provincial assemblies in Khyber Pakhtunkhwa and Punjab in protest against his ouster as prime minister through a no-confidence vote in *The National* Assembly.

The dissolution of the Khyber Pakhtunkhwa Assembly incapacitated the ability of its elected members to represent their electorate and legislate on their behalf. A protracted political stalemate prevented elections for a new Khyber Pakhtunkhwa assembly and government within the mandated 90 days.

Towards the end of the year, the ECP announced general elections, including elections for the Khyber Pakhtunkhwa Assembly, on 8 February 2024. Consequent to these unusual political developments, no legislation was enacted in Khyber Pakhtunkhwa in 2023.

However, two legislation-related policy developments took place in 2023. In January, the Khyber Pakhtunkhwa Urban Policy 2030 and its action plan were approved by the Land Use and Building Control Authority, making Khyber Pakhtunkhwa the first province in Pakistan to adopt an official urban policy.² In August, the UNDP held a consultation in Peshawar on prison reforms, attended by the PHC chief justice, that agreed on supporting the effective implementation of the Khyber Pakhtunkhwa Prisons Act to tackle challenges such as overcrowding and the abundance of under-trial prisons in prisons.³

Administration of justice

Courts in Khyber Pakhtunkhwa – including the PHC, district, sessions, local, anti-terrorism and family courts – struggled with disposing justice to litigants in 2023, with the pendency of cases remaining high as in recent years. However, the courts remained active in providing relief to political workers, and issued several verdicts and directives aimed at improving the procedures for administration of justice in cases involving children and family and arbitrary arrests.

Death penalty. According to HRCP's media monitoring, there were 19 reported cases of the death sentence being awarded to convicts during the year in Khyber Pakhtunkhwa.

Pendency of cases. According to the Law and Justice Commission Pakistan, at the start of the year, the PHC had a backlog of 41,911 cases, and during 2023, a total of 26,297 new cases were filed with the court and 25,926 cases disposed of.

As of December 2023, a total of 42,409 cases were pending for adjudication at the PHC. The district judiciary had a backlog of 261,212 cases at the start of the year.

A total of 515,877 new cases were filed with the province's district courts during 2023, with courts disposing of 510,069 cases in the same period. At the end of the year, 273,762 cases were pending at the district tier.⁴

Judicial vacancies. With Khyber Pakhtunkhwa struggling to fill judicial vacancies, 15 of the sanctioned strength of 20 judges were serving at the PHC towards the end of 2023.

In January, the Judicial Commission of Pakistan confirmed recommendations for three additional judges of the PHC.⁵ In February, the PHC directed the Khyber Pakhtunkhwa Public Service Commission to fill vacant positions of 84 civil judges in the province's district judiciary.⁶

Breaking the glass ceiling. In May, Justice Musarrat Hilali was appointed as the first female chief justice of PHC. Before this, she served as the only female judge on the PHC judges' panel. In July, she was elevated to the Supreme Court, becoming the second female judge of the apex court.⁷



Justice Musarrat Hilali was appointed the first female chief justice of the PHC.

Suo moto jurisdiction case. The Supreme Court, in January, ruled that high courts in Pakistan cannot exercise suo moto powers. This was in response to a petition filed by a private citizen challenging the PHC's jurisdiction of directing price mechanism committees, with the Supreme Court observing that such decisions by provincial high courts went against the principle of the trichotomy of powers.⁸

Reinstating local bodies. The PHC, in March, provided relief to petitioning local functionaries by striking down an order issued by the ECP to suspend local bodies in Khyber Pakhtunkhwa until the holding of provincial elections and reinstating their legal status under the Khyber Pakhtunkhwa Local Government (Amendment) Act 2019.⁹ This allowed elected local representatives to continue provision of services to their electorate.

Protecting juveniles. In April, the PHC ruled that juveniles in Khyber Pakhtunkhwa accused of terrorism-related offences should be tried in juvenile courts under the Juvenile Justice System Act 2018, and not by an anti-terrorism court.¹⁰ The court opined that this would ensure safeguards, such as the protection of privacy and mental health.

Faster justice and greater relief. In May, the PHC chief justice ordered speedier disposal of cases, especially those related to family disputes.¹¹ In June, he directed an end to torture at police stations.¹² In June, a court in Charsadda ordered the release of over 50 PTI supporters alleged with disrupting public disorder.¹³

In November, the PHC warned the provincial government and the ECP against curbs on PTI workers and leaders seeking to mobilize voters for elections.¹⁴ It also suspended police cases against some PTI leaders in North Waziristan for alleged sedition. From May to December, the PHC, under several separate orders, directed the authorities to free PTI leaders, issuing bails for their release.

In November, the PHC ordered the federal government to remove from the Exit Control List the names of the family members of Dr Shakil Afridi, who is accused of aiding the Americans in locating Osama bin Laden.¹⁵

In August, the PHC directed the district and sessions judges in Khyber Pakhtunkhwa to ensure that nominees in a case are not arrested by the police and other departments after they are granted interim bail by a court of law.

It also, under a formal order, mandated the authorities to first seek a court's permission if they want to arrest a person who is on an interim bail in one case on basis of a second FIR. In a separate case, the PHC ruled that it cannot make appraisal of evidence recorded by a family court even if the finding of facts recorded by the court is erroneous.



ENFORCEMENT OF LAW

Law and order

Gender-based violence and other crimes continued to be committed in the province during 2023 (see Table 1).

Table 1: Crime statistics for Khyber Pakhtunkhwa in 2023

Offense	Number of cases
Rape	293
Gang-rape	4
'Honour' killings	127
Blasphemy cases	41
Police encounters	153

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

HRCP's media monitoring for 2023 also recorded at least 20 cases of domestic violence, 72 cases of sexual violence, 49 'honour' killings and 246 femicide-related murders that reportedly took place in the province.

In a major uptick in extreme violence in Khyber Pakhtunkhwa in 2023, hundreds of citizens, policemen, military personnel and militants were killed and many more injured. A rise in attacks on law enforcement personnel—both military and civilian—target killings, explosions, kidnappings, firing incidents and border clashes was recorded across the province.

In fact, both Khyber Pakhtunkhwa and Balochistan combined accounted for over 90 percent of all fatalities and 84 percent of militant attacks during 2023, including incidents of terrorism and security forces' operations.¹⁶

Policemen killed. At least 164 policemen, including 18 officers of the Counter-Terrorism Department, were killed during 2023 while on duty in various districts of Khyber Pakhtunkhwa, compared to 105 killed in 2022.

At least 31 were target killed by assailants, including one policeman guarding a team conducting census duties—eight in the Dera Ismail Khan district, six in the Khyber district, five each in the Lakki Marwat and Peshawar districts, two in the Tank district and once each in the Buner, Hangu, Mardan, North Waziristan and South Waziristan districts.

At least 61 policemen were killed when their patrolling parties and vehicles were attacked by unknown assailants with guns in various

districts of Khyber Pakhtunkhwa. Dozens of others were killed in attacks on religious sites, security and other government installations, including 50 killed after a bomb detonated inside a mosque located within the police headquarter compound in Peshawar, after a Counter-Terrorism Department facility in Swat was attacked by unknown persons,¹⁷ three guarding check-posts in the Lakki Marwat and Khyber districts, and one tortured by unknown militants after they kidnapped him in the Lakki Marwat district.

Military personnel. At least 72 military personnel, including 63 army soldiers and nine Frontier Corps troopers, were killed during 2023 in various Khyber Pakhtunkhwa districts.

These included 42 army soldiers killed in separate attacks in the North Waziristan and South Waziristan districts, five in Khyber, two each in Bannu and Tank, and one each in the Lakki Marwat, Orakzai, and Peshawar districts.

Politicians and political workers killed, injured or threatened. In July, at least 64 people were killed, including 29 children, and over 150 injured after a bomb detonated at a political gathering organized by the Jamiat Ulema-i-Islam-F (JUI-F) in Bajaur district, with the proscribed Islamic-State Khorasan claiming responsibility.¹⁸ In June, the Pakistan Muslim League Nawaz leader Amir Muqam's convoy was attacked by armed assailants in Shangla district.¹⁹

Militants. At least 177 persons, described either as 'militants' or 'terrorists' by the authorities, were killed in in 2023 by security forces in 41 official raids or attacks in Khyber Pakhtunkhwa's various districts. Of these attacks, 29 were categorized as intelligence-based operations and 12 as retaliatory gunfire or border clashes. Of those killed, at least 84 were reported as Tehreek Taliban Pakistan militants and two as members of Lashkar-i-Islam.

Violence against officials and citizens. At least 132 professionals and citizens were killed in Khyber Pakhtunkhwa in target killings and explosions. These include 64 people, including 29 children, attending a JUI-F rally in the Bajaur district, 20 during sectarian and tribal violence in the Kurram district, eight school teachers in the Khyber and Kurram districts, a teenager in the Lakki Marwat district, four tribal elders in the North Waziristan and South Waziristan districts, a cook working at a police station in the Khyber district, one in the Bannu district when a motorcycle fitted with an explosive device detonated, a Sikh shopkeeper and a Christian sanitation worker in the Peshawar district, and three children in mortar shell explosions.

Abductions. In January, four non-native employees of exploration companies working at an oilfield in Miranshah were kidnapped. They were later recovered by the authorities from North Waziristan. Four of

the alleged kidnappers were killed.²⁰ In April, media persons and social media activists organized a protest in Bannu after the police refused to register an FIR following the abduction and torture of journalist Gohar Wazir, allegedly by 'pro-government' militants, despite repeated written requests by the victim.²¹

Jails and prisoners

Despite some positive developments related to the establishment of an online prison management system, inmates in Khyber Pakhtunkhwa prisons experienced a generally difficult year in 2023. In April, prison police resorted to firing tear gas shells to quell rioters in the Peshawar Central Jail.

Overcrowded prisons. A total of 39 jails were operational in Khyber Pakhtunkhwa during 2023 according to the Khyber Pakhtunkhwa Prisons Department. These prisons housed 11,326 under-trial prisoners, 2,447 convicted prisoners and 375 juvenile inmates against a sanctioned capacity of 13,375. Of the persons on death row, 143 were jailed for murder, four on blasphemy charges and six for other offenses.

Overall, total inmates included 13,625 men, 139 women and 28 children living with their mothers in jail. In November, the ombudsperson's office urged authorities in Khyber Pakhtunkhwa to counter overcrowding in jails by building additional accommodations, especially for women and juvenile prisoners.



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Unsanitary conditions. In April, the PHC chief justice reprimanded jail authorities in Peshawar for housing juvenile inmates in cramped barracks, ordering their relocation to facilities with better sanitary conditions.²² In May, the chief justice directed jail authorities in Nowshera to ensure adequate health facilities for prisoners. According to a report, 196 prisoners in Khyber Pakhtunkhwa's jails were suffering from various illnesses including tuberculosis, Hepatitis B and C, and immunodeficiency disorder.²³

Right to appeal denied. In blatant incidents of denial of the right to appeal verdicts, the Khyber Pakhtunkhwa government refused to send the appeals of five death-row prisoners, convicted by military courts, to the Supreme Court with their execution orders intact.²⁴

Digitized prison management. In November, the Khyber Pakhtunkhwa government inaugurated an online case hearing and prison management system in Peshawar.²⁵ The new system will allow prisoners to be produced before court and receive bail orders through virtual mediums, with the ombudsperson's office urging the implementation of a province-wide digital interface to link jail records with *The National Database Registration Authority's* records.

Enforced disappearances. People continued to be forcibly disappeared in Khyber Pakhtunkhwa in 2023. According to the Commission of Inquiry on Enforced Disappearances, there have been 3,485 cases reported in the province since 2011 till date, of which 635 were resolved with the victims returning home, 832 traced to internment centres, 126 traced to prisons, and 77 disposed of after the victims' dead bodies were found. As of the end of 2023, the commission has 1,336 pending enforced disappearance cases left to resolve.

In January, a family accused Counter-Terrorism Department officers of conducting an unlawful raid of their house in Bara without policewomen, and taking away one young male member of their family.²⁶

In March, addressing a press conference in Swat, a mission headed by HRCP chairperson Hina Jilani expressed concern over forced disappearances of the district's residents and demanded that authorities present such missing persons in court if they were accused of a crime. The mission also urged security forces to vacate abandoned school buildings in Swat housing illegal prisons run by proscribed organizations.

Protests. In May, families of 500 persons, either missing or languishing in jails in the Haripur, Kohat, Mardan and Peshawar districts since 2009, protested their forceful detention without recourse to law in Swat.

The families alleged that the authorities had refused to either set their relatives free or present them in court despite the PHC deciding the missing persons' case in their favour.²⁷



FUNDAMENTAL FREEDOMS

Freedom of expression

Actions against journalists. In March, the home of Geo TV reporter Yasir Shah in Kohat was attacked by unidentified men who lobbed grenades and fired shots. He remained unharmed.²⁸ In October, he was attacked again with gunshots on a road as he drove home, sustaining injuries.

In April, journalist Gohar Wazir of Bannu was kidnapped and tortured by unidentified men before being released. HRCF issued a statement seeking justice for him and other journalists being harassed. In June, police acted on a complaint filed by a resident of Tank by registering a case against journalists Shaheen Sehbai, Wajahat Khan and other social media activists for ‘abetting mutiny and waging war against Pakistan’.²⁹

Victimized for expression. In March, authorities in Mardan district charged over 20 PTI workers for alleged hate speech and ‘attempting to incite people to revolt against the government’.

In June, Pashtun Tahaffuz Movement leader and member of *The National* Assembly Ali Wazir was arrested in North Waziristan for speaking against enforced disappearances.³⁰

In August, the Khyber Pakhtunkhwa government banned its employees from using their personal social media handles to post content related to official matters.³¹ In July, a group of religious clerics in the Khyber district banned music during marriages.³²

Freedom of assembly

Several public protests and demonstrations were held in Khyber Pakhtunkhwa in 2023 by women, parents, politicians, political workers, tribesmen and government employees, seeking enforcement of various rights.

At the start of May, a pronounced pattern emerged of the authorities cracking down on leaders and workers of PTI. They were repeatedly prevented from first protesting the arrest of party leader Imran Khan on 9 May, secondly for seeking early elections for the Khyber Pakhtunkhwa Assembly, and then seeking to hold election rallies.

Protests by parties and arrests. In February, PTI leaders in Peshawar announced a ‘Jail Bharo [court arrest] Tehreek’ to push for the announcement of provincial elections in Khyber Pakhtunkhwa. As in other parts of the country, the arrest of Imran Khan in May triggered largescale protests across Khyber Pakhtunkhwa. PTI-led mobs damaged and destroyed state property in several cities, notably setting the Radio Pakistan building in Peshawar ablaze.³³ Subsequently, in a largely

disproportionate response, police authorities arrested thousands of PTI leaders and workers in the Abbottabad, Bajaur, Charsadda, Kurram, Lower Dir, Malakand, Mardan, Peshawar, Orakzai, North Waziristan, Shangla, South Waziristan and Swabi districts, charging them with damaging public property, inciting violence and violating a ban on public gatherings.

After the 2024 election schedule was announced by the ECP in December, PTI leaders and workers consistently attempted to hold public meetings to mobilize supporters, but were repeatedly thwarted.

In September, dozens of Jamaat-e-Islami (JI) leaders and workers were booked by the police in Peshawar for protesting against inflation.³⁴ In October, tribal elders protested a move to abolish national and provincial seats in Hangu and Orakzai districts following the ECP's delimitation exercise.³⁵

Restricting political gatherings. In August, the district administration in Peshawar imposed Section 144, banning unauthorized gatherings, protests and rallies.

Protests over economic issues. In January, JI activists protested against inflation and unemployment in the Lower Dir district. Women protesters blocked the Pakistan-Afghanistan Highway in the Khyber district, demanding reduction in wheat flour prices.

Awami National Party workers gathered in Mardan district to demand government action against excessive load-shedding and shutting down of gas stations.³⁶

In April, Christian sanitation workers congregated in Peshawar against delays in the release of outstanding salaries in time for them to celebrate Easter.³⁷

In August, residents of the Mansehra, Mardan, Peshawar and Swat districts took to the streets to protest exorbitant power bills.³⁸ In September, traders, commercial transporters and labourers demanded the resumption of stalled economic activity at Torkham.³⁹

Freedom of movement

Border restrictions. Border closures and protests restricted freedom of movement of thousands in Khyber Pakhtunkhwa in 2023. In January, over 7,000 trucks loaded with perishable goods were said to have been stranded at the Torkham border after it was closed by authorities for two weeks.⁴⁰

In September, the border again remained closed for a week after an exchange of fire between border forces, leaving hundreds of people and trucks stranded on both sides.⁴¹



Nomadic families were denied entry to South Waziristan at the Angoor Adda border without verification

In March, contrary to an established practice of allowing seasonal access, nomadic families were denied entry to South Waziristan at the Angoor Adda border without verification, leaving them stranded in extreme cold and without assistance.⁴² The border closure caused a reported loss of USD 10 million in commercial activity, and stranded Afghan travellers were forced to take refuge in mosques and local homes while relying on charity for survival.

Blocked access. In May, following the arrest of former prime minister Imran Khan, PTI supporters went on a rampage across the province blocking roads, highways and the motorway, forcing market closures, torching public property, and crippling public movement on a large scale.⁴³ The protests were especially noticeable in the Abbottabad, Bajaur, Charsadda, Dera Ismail Khan, Khyber, Lakki Marwat, Lower Dir, Malakand, Mansehra, Mardan, Mohmand, Peshawar, Shangla and Swabi districts. Law enforcement authorities imposed Section 144 to restrict movement in the Khyber and Mohmand districts to quell protests. The blocking of national highways restricted inter-city and inter-provincial movement of people and goods in large parts of the province.

Banned entry. In July, the local administration banned the entry of 24 clerics to Abbottabad during Muharram under Section 144.



DEMOCRATIC DEVELOPMENT

Political participation

Clampdown on PTI. Elected representatives and workers of PTI remained the target of political victimization, government overreach and indiscriminate arrests following violent protests in May after their party's chairman Imran Khan was arrested in Islamabad on charges of corruption.

In December, the ECP enlisted the Pakistan Tehreek-e-Insaf Parliamentarians, allowing a name change from the unregistered Pakistan Tehreek-e-Islahat Pakistan, with former Khyber Pakhtunkhwa chief ministers Pervez Khattak and Mehmood Khan elected as its chairman and vice-chairman respectively.

Local polls. After the ECP lost a legal challenge in PHC to delay holding local government elections in Khyber Pakhtunkhwa until national and provincial elections were conducted, the local government elections were held in August for 72 seats in 21 districts of the province. Independent candidates won a majority (40) of the seats, with PTI winning 14, JUI-F six, JI five, PPP two and Tehreek-e-Labbaik Pakistan one.

More voters. In February, the Khyber Pakhtunkhwa Election Commissioner had chaired a meeting of the Gender and Disability Electoral Working Group and sought support from civil society for the election commission to encourage women to enrol and cast votes in the 2023 local government elections and the Khyber Pakhtunkhwa seats of the eventual national and provincial elections in 2024.⁴⁴

In December, the ECP, while sharing the latest data about *The National* voters' list ahead of the February 2024 national and provincial elections, said that the total number of voters had surpassed 126 million, including 21.26 million in Khyber Pakhtunkhwa – comprising 11.79 million male and 9.82 million female voters.

Constituencies and seats. In October, announcing new delimitations – the first after the 2018 merger of tribal districts in Khyber Pakhtunkhwa – for electoral constituencies for *The National* and provincial assemblies based on the latest approved census, the ECP said that the number of National Assembly seats for the tribal districts had reduced from 12 to six in line with the 25th constitutional amendment. Khyber Pakhtunkhwa would now have a total of 55 National Assembly seats, including 45 general and 10 women's reserved seats.⁴⁵ The Khyber Pakhtunkhwa Assembly would have 115 general seats, plus 26 for women and four for non-Muslims, taking its strength to 145.

Ten out of 36 Khyber Pakhtunkhwa districts did not attain the population threshold for an exclusive National Assembly seat, so their constituencies

were merged with those of the neighbouring districts. The Peshawar district also lost a constituency in the provincial assembly, lowering its strength in the house from 14 to 13.

Local government

Suspension of local bodies. In February, the ECP unilaterally suspended local government bodies across Khyber Pakhtunkhwa, anticipating ‘undue influence’ on voting patterns during scheduled provincial assembly elections in spring 2023, which were subsequently postponed to February 2024.⁴⁶

In response, the Khyber Pakhtunkhwa governor promised the promulgation of an ordinance to restore tehsil, village and neighbourhood councils. In March, the PHC provided relief to petitioners challenging the ECP’s decision by issuing a stay order, effectively reinstating Khyber Pakhtunkhwa’s local functionaries elected in 2021 and 2022.⁴⁷

By-elections. In August, by-elections were held for 72 seats in 21 districts of Khyber Pakhtunkhwa. Independent candidates won on 40 seats with PTI winning 14, JUI-F six, JI five, PPP two and Tehreek-e-Labbaik Pakistan one.⁴⁸

Financial difficulties. In January, the Khyber Pakhtunkhwa cabinet approved amendments to the rules governing village and neighbourhood councils, increasing monthly remunerations and fuel allowances for mayors and chairpersons.⁴⁹

Women councillors from the Khyber district protested the denial of development funds to help constituents of their areas. Office-bearers of Khyber Pakhtunkhwa’s local government employee associations gathered in the Charsadda district demanding the release of their salaries, with payments due since December 2022.

In February, the Khyber Pakhtunkhwa governor assured the release of PKR 35 billion earmarked under *The National Financial Award* for local government. Representatives of the Local Government Employees Union in the Mansehra district demanded the release of salaries and pensions for their members.

In September, local government employees in Khyber Pakhtunkhwa threatened to strike if their personal ledger accounts were not restored.⁵⁰

In October, chairpersons of union and neighbourhood councils in Miranshah urged the functional implementation of the Khyber Pakhtunkhwa Local Government (Amendment) Act 2019, ensuring the provision of sanctioned funds and office resources for continued service provision.⁵¹



RIGHTS OF THE DISADVANTAGED

Women

There were some positive developments related to the rights of women in Khyber Pakhtunkhwa in 2023, while other developments remained consistent with routine violations against them. In January, the Khyber Pakhtunkhwa cabinet approved the Domestic Violence Against Women (Prevention and Protection) Rules 2022. The rules allow law enforcement authorities to prosecute domestic violence against women, including physical, psychological, and economic abuse.

Gender-based violence. According to HRCP's media monitoring for 2023, there were at least 20 cases of domestic violence, 72 cases of sexual violence, 49 'honour' killings and 246 femicide-related murders that reportedly took place in the province [see *Law and Order*]. The Digital Rights Foundation also reported that their helpline received 112 complaints related to cyber harassment and gender-based violence from Khyber Pakhtunkhwa. Sexual violence incidents were also registered by law enforcement personnel.

Breaking the glass ceiling. After becoming the PHC's first female chief justice in May, Justice Musarrat Hilali established a women-only facilitation desk and waiting area at the high court premises mandated with providing free legal advice and case resources to female litigants. In September, Samreen Amir was appointed as an SHO in the Kurram district, becoming the first female Christian officer to be appointed at this position in any of Khyber Pakhtunkhwa's tribal districts.

Disempowered and denied. In January, women councillors from the Khyber district elected in the 2021 local government polls protested the denial of functional authority and development funds to help female constituents of their areas. They said that while over 100 women contested in the polls and several were elected, they had neither been provided offices nor resources unlike their male counterparts, thereby lowering their status in people's perceptions.⁵²

In March, a jirga in the Khyber district restricted women's right to move freely by banning their visits to wheat distribution points for free flour organized under the Benazir Income Support Programme, allowing only male members of their families to collect flour bags on their behalf.⁵³ In October, authorities in the Swat district were forced to look for an alternative venue for a women's cricket match after it was halted midway by protesting imams. In November, clerics in the Shangla district warned female staffers at non-governmental organizations against interacting and working with their male colleagues.

Budgets, schools and female students. In May, at a seminar on education held by the Khyber Pakhtunkhwa Commission on the Status of Women,

experts urged improvement in female literacy rates as over three million girls under the age of 14 in Khyber Pakhtunkhwa did not attend school despite the presence of 20,447 educational establishments reserved for them.

The seminar was told that, of the 4.7 million children out of school in Khyber Pakhtunkhwa, 66 percent were girls. This was mainly due to a lack of an adequate number of schools, even though out of every 10 new schools built since 2019, seven were for girls, and 17 percent of the provincial budget in 2022/23 had been allocated to education, including PKR 14 billion for girls' education.⁵⁴

Fewer registered women voters. According to the ECP in December, the updated national electoral rolls documented over 127 million voters including 21.69 million (17.1 percent of *The National* count) in Khyber Pakhtunkhwa. However, there is a gender disparity in the number of Khyber Pakhtunkhwa voters. A total of 11.83 million voters in Khyber Pakhtunkhwa are male and 9.86 million female – a gap of 1.97 million. In June, district authorities in Khyber announced the registration of 70,431 new women voters.



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Inheritance rights. Women in newly merged districts are said to have started to actively pursue legal remedies for their right to lawful inheritance. At least 69 cases were filed by female residents under the Khyber Pakhtunkhwa Endorsement of Women Property Rights 2019 and Khyber Pakhtunkhwa Letter of Administration and Succession Act 2021 before provincial courts and the ombudsperson's office.

These cases related to the acquisition of share in inheritance, distribution of family assets and a fair share in government compensation in the purchase of their jointly held landholdings.⁵⁵

Transgender persons

Attacks against trans persons. Two transgender persons were killed, one each in Kohat and Mingora, and another two injured, including one in Peshawar, in three separate targeted attacks in Khyber Pakhtunkhwa in 2023.⁵⁶ The transgender persons were returning home after performing at private parties when they were attacked.⁵⁷

Blocked registrations. In January, the ECP and Khyber Pakhtunkhwa Welfare Department jointly launched a campaign to register transgender persons in Peshawar.⁵⁸

In May, the PHC accepted a petition filed by a transgender person for the unlawful blocking of their national identity cards by *The National Database Registration Authority*, as ordered by a sessions judge, and reversed the verdict. The PHC judge in her judgment said that transgender persons in Khyber Pakhtunkhwa were being deprived of their constitutional rights, which cisgender people did not face such violations.⁵⁹

Children

Numerous crimes against children, including rape and murder, were reported from Khyber Pakhtunkhwa in 2023.

According to Sahil's *Cruel Numbers* report, there were 4,213 cases of child sexual abuse reported in Pakistan during the year, three percent of which (at least 126 cases) took place in Khyber Pakhtunkhwa.

Rape. Five members of a jirga were arrested in May for arranging a settlement with a rape-accused who had assaulted a girl;⁶⁰ two persons were arrested from Peshawar in September for gang-raping and murdering a six-year-old girl; a man was nabbed in September for raping a 10-year-old deaf and mute boy in Peshawar;⁶¹ a school principal was arrested from Charsadda in September for sexually assaulting a 12-year-old boy;⁶² and a schoolteacher in Dera Ismail Khan was accused of sexually assaulting a four-year-old female student in November.⁶³

Murder. In September, a man was arrested in Mardan for beating to death his underage daughter⁶⁴ while members of a family were arrested in Swat after confessing to killing a four-year-old girl over differences with their neighbour.

In October, a mentally challenged woman was arrested in Hangu for slaughtering her two children.⁶⁵ In April, a man was awarded three

death sentences by a child protection court for sexually assaulting, killing and burning the body of an eight-year-old girl in Peshawar. In October, the PHC set aside the conviction of two men accused of raping and killing an eight-year-old girl in Nowshera.

Children in jails. In April, the PHC chief justice reprimanded jail authorities in Peshawar for holding juvenile prisoners in cramped barracks, ordering their relocation to facilities with better sanitary conditions.

Separately, the PHC ruled that juveniles accused of terrorism-related charges should be tried by a juvenile court under the Juvenile Justice System Act 2018 to safeguard their privacy, and not an anti-terrorism court.⁶⁶

In September, the Khyber Pakhtunkhwa Home and Tribal Affairs Department notified the Juvenile Justice System Rules 2023, promising the establishment of specialized rehabilitation centres for child offenders in all divisional headquarters.⁶⁷

In June, the Child Protection and Welfare Commission decided to set up child protection units in all districts of Khyber Pakhtunkhwa, with such facilities currently operational in only 12 districts.

Labour

Mine accidents. At least 44 coal and phosphate mine workers were killed and 23 injured in Khyber Pakhtunkhwa during 2023 according to HRCF's media monitoring (see Table 2).

Table 2: Mining accidents in Khyber Pakhtunkhwa in 2023

<i>Date</i>	<i>City</i>	<i>Killed</i>	<i>Injured</i>
1 Jan	Kohat	2	1
31 Mar	Abbottabad	2	-
6 Jun	Kohat	2	-
26 Jul	Dara Adam Khel	3	5
26 Jul	Shangla	1	-
31 Jul	Shangla	1	-
17 Aug	Shangla	2	-
18 Aug	Shangla	3	-
24 Aug	Shangla	1	-
27 Aug	Shangla	2	-
29 Aug	Kohat	3	-

<i>Date</i>	<i>City</i>	<i>Killed</i>	<i>Injured</i>
30 Aug	Shangla	1	-
11 Sep	Kohat	3	-
11 Oct	Hangu	-	11
16 Oct	Khyber	3	1
18 Oct	Shangla	1	1
19 Oct	Dara Adam Khel	1	1
25 Oct	Hangu	1	1
17 Nov	Shangla	1	1
18 Nov	Shangla	2	1
18 Nov	Shangla	3	1
25 Nov	Kohat	1	1
1 Dec	Dara Adam Khel	2	1
14 Dec	Nowshera	1	4
20 Dec	Swat	2	2

Source: HRCP's media monitoring

Payment boost. In June, the Khyber Pakhtunkhwa government announced a salary increase of 35 percent for its employees up to grade 16. Pensions were also increased by 17.5 percent.

Financial issues. In January, the PHC stopped the Khyber Teaching Hospital from reducing remuneration and allowances for its employees. Local government staff in the Charsadda district protested against the non-payment of salaries since December 2022.⁶⁸

In March, staffers at the Timergara Teaching Hospital in the Lower Dir district demonstrated against a private company for its failure to pay salaries for the preceding four months.⁶⁹

In April, Christian workers employed by the Water and Sanitation Services Peshawar protested a delay in release of their salaries.⁷⁰ In June, an employee of the Khyber Pakhtunkhwa Expanded Programme on Immunization committed suicide in the Hangu district, with his salary receivables extending to over a year.⁷¹

In July, office-bearers of the Shangla Teachers Association put forth a charter of demands, including the release of their pending salaries and an improved service structure for its members.⁷² In August, the University of Peshawar management wrote to the Higher Education Department, admitting its inability to pay employees and demanding additional funds.⁷³

In October, the Water and Sanitation Services Peshawar requested the district government to release PKR 2.1 billion in outstanding funds, required to pay its employees.⁷⁴ Over 1,300 doctors and staffers employed at three medical training institutes in the Swabi district protested a delay in salary payments.⁷⁵

Reopening of mines. In June, the federal government announced the reopening of 62 coal mines in the Kurram district, with employment opportunities for over 5,000 workers projected.⁷⁶

People living with disabilities

The provision of rights to persons living with disabilities (PLWDs) in Khyber Pakhtunkhwa saw little progress during 2023. A report in January stated that while Khyber Pakhtunkhwa was home to 149,917 registered PWDs, ramps and braille markers meant to assist their navigation remained missing from most public and private buildings despite court orders.⁷⁷

The Khyber Pakhtunkhwa Model Building By-Law 2017 mandating ramps for PWDs remained largely unenforced while a draft bill, the Khyber Pakhtunkhwa Empowerment of PWDs, tabled in Khyber Pakhtunkhwa Assembly in 2021, remained unpassed in 2022 and 2023.

In May, Khyber Pakhtunkhwa caretaker chief minister addressing a gathering of special children, admitted that there was a lack of facilities for them in the province and urged public-private partnerships to deliver an inclusive environment for children with special needs. The same month, the Khyber Pakhtunkhwa governor distributed fee-waiver certificates to 60 differently abled students enrolled at the Khyber Medical University to support their progress in various specialization programmes.⁷⁸

Refugees and internally displaced persons

Expulsion of Afghan refugees. Announcing the ‘Illegal Foreigners’ Repatriation Plan’ in October, the federal government set 1 November 2023 as the deadline for undocumented refugees to ‘return voluntarily’.⁷⁹ The directive was said to have been directed at illegal Afghan refugees, who were thought to be somehow responsible for Pakistan’s worsening security situation. This created a chaotic situation related to the rights of refugees, security and emigration in Khyber Pakhtunkhwa.

According to official statistics in the last quarter of 2023, Pakistan was home to over 1.5 million documented and over 0.7 million undocumented Afghan refugees. Residing in 29 districts and 43 refugee camps across the province, the number of Afghan refugees in Khyber Pakhtunkhwa exceeded 0.7 million, with over 0.3 million remaining undocumented.⁸⁰

The Commissionerate of Afghan Refugees reported over 1.5 million refugees from Afghanistan arriving in Pakistan following the takeover by the Taliban government in 2021, including transit passengers and those seeking political asylum.

According to a report in November, over 317,000 undocumented Afghan refugees had been repatriated within the first four weeks of the policy, with 212,000 crossing through the Torkham border in Khyber Pakhtunkhwa and 105,000 through Chaman in Balochistan.⁸¹ Government officials in Khyber Pakhtunkhwa and Balochistan said they would continue this effort into 2024.

Police authorities raided areas of Khyber Pakhtunkhwa with large Afghan populations, resorting to indiscriminate arrests and extortion.⁸² Artists and rights activists gathered in Peshawar, urging authorities to indefinitely delay deportation of musicians as their freedom to express and perform would be heavily curtailed under Taliban rule. In November, unannounced closures of the Torkham crossing left hundreds of refugees, including pregnant women and children, in the cold struggling to find shelter with little support.⁸³ Refugees near border areas reported unprecedented hikes in prices of food stuff and medicines, demanding government intervention to ensure affordability. Jail authorities in Peshawar reported the release and deportation of over 50 Afghan inmates, denying them the right to seek legal remedies.

In November, JUI-F leader Fazlur Rehman accused the Khyber Pakhtunkhwa government of blackmailing documented Afghan refugees, with their properties being allegedly seized to force their return.⁸⁴ Local authorities in the Peshawar district issued strict guidelines for property agents, warning them against arranging rental homes and shops for undocumented refugees, with mosques instructed to make announcements informing such refugees to ensure their return. To nab them, authorities in the Peshawar district utilized geo-mapping tools to process the whereabouts of over 9,000 illegal immigrants.

Amid the forced exodus of Afghan refugees and its financial difficulties, the Khyber Pakhtunkhwa government in November requested the federal government for PKR 1 billion to ensure efficiency in the repatriation process, citing the prime minister's earlier promise of ensuring that every province would bear equal expense for this exercise.⁸⁵

Internally displaced persons. In February, the Khyber Pakhtunkhwa Provincial Disaster Management Authority released PKR 352 million in cash financial assistance to be distributed among 18,000 registered persons displaced and affected by the Zarb-e-Azb operation in North Waziristan.



SOCIAL AND ECONOMIC RIGHTS

Education

Irregular funding for public schools and infrastructural damage to educational establishments caused by natural disasters affected the adequate provision of accessible education to students of Khyber Pakhtunkhwa in 2023.

Inadequate infrastructure and facilities. With only one college for girls in the Bajaur district, accessibility to higher education remained a challenge and, according to some reports, about 500 female students are forced to terminate their education each year. In May, FATA University, the only higher education institution in the newly merged districts, was catering to its 800 enrolled students in just 10 rooms of a government college since 2016. The same month, strong winds uprooted makeshift tents, housing classes for 20,000 students in Bara put up as a temporary solution after school buildings were damaged because of Lashkar-i-Islam's activities.



Strong winds uprooted makeshift tents, housing classes for 20,000 students in Bara put up as a temporary solution.

In May, the Khyber Pakhtunkhwa Disaster Management Authority held a meeting with non-governmental organizations in Peshawar to strategize the establishment of 47 temporary schools in Tirah Valley of the Khyber district. In June, some schools were reopened after nine years in Upper Bara in the Khyber district for children of returning families displaced by militancy.

In August, a study highlighted the lack of educational establishments for Afghan girls in Khyber Pakhtunkhwa. Research showed that there was no dedicated secondary school for Afghan girls in Haripur, despite a refugee population of over 100,000.

The same month, seven children had to be rescued after being stuck in a cable car for 16 hours in Battagram. The cable car, part of the children's daily travel to attend school, malfunctioned at a height of over 180 meters.

Shortage of schoolbooks. Financial difficulties affected the provision of learning in Khyber Pakhtunkhwa's public sector schools during 2023. In January, printing companies stopped printing 60 million school textbooks over PKR 7 billion unpaid dues out of PKR 10 billion by the government.⁸⁶

In April, public schools in the Khyber district were directed to return 30 percent of government-provided textbooks, which were then redistributed to other schools in Khyber Pakhtunkhwa. In July, in a meeting in Peshawar attended by the prime minister, a laptop scheme was launched for students of Khyber Pakhtunkhwa.

Reduced inclusivity. In February, the administration of Gomal University issued a directive banning all interaction and mixed gatherings between male and female students. The directive also prohibited students from organizing political events.

In a statement, HRCP took exception to the banning, saying that such segregation would reinforce a culture of ignorance and inequality. In April, the Shaheed Benazir Bhutto Women University in the Upper Dir district banned students from wearing jeans and tights while on campus, warning violators would face a fine of PKR 1,000.

Unpaid salaries. Several public protests and rallies were held by public sector schoolteachers in Khyber Pakhtunkhwa during 2023. In January, 234 male and 108 female double-shift teachers in Bajaur demanded payment of salaries pending since August 2022.

In May, teachers employed at 1,447 community schools across Khyber Pakhtunkhwa protested and threatened a strike if their financial issues remained unaddressed,⁸⁷ putting at risk accessible education to 55,000 students.⁸⁸

Over 1,500 teachers employed at these schools had not been paid since 2021. In July, the All Primary Teachers Association of Khyber Pakhtunkhwa, representing teachers from all 34 districts of Khyber Pakhtunkhwa, established a jirga to hold talks with the government and political parties to prioritize primary educational facilities and the welfare of teachers.

Health

Viruses. Responding to a rise in Covid-19 cases and concurrent emergence of newer variants, the Khyber Pakhtunkhwa Health Department in January resumed random screenings at the Peshawar Airport and border crossings with Afghanistan.⁸⁹ For the remainder of the year, various reports indicated dozens of positive Covid-19 cases but no fatal casualties. In February, the Khyber Pakhtunkhwa Integrated Disease Surveillance and Response Cell sought PKR 900 million in additional funds to upgrade the province's public diagnostic infrastructure, an essential service for controlling viral outbreaks.

According to the Khyber Pakhtunkhwa Health Department, 2023 marked a 97 percent decline in dengue cases in Khyber Pakhtunkhwa, with 747 confirmed cases reported compared to 22,960 cases and 18 fatalities in 2022.⁹⁰ Unfortunately, there was a resurgence of polio cases in Pakistan, with four out of the six total cases reported in Khyber Pakhtunkhwa's Bannu and Orakzai districts.⁹¹

Sehat Card. Costing the Khyber Pakhtunkhwa government PKR2.5 billion a month, the Khyber Pakhtunkhwa Health Department released PKR 4 billion in February to the State Life Insurance Corporation for the continuation of health services insured under the Sehat Card.⁹²

Following complaints of substandard facilities in April, the government decided to assess empanelled hospitals for delisting under the Sehat Card Plus programme.⁹³ Government hospitals in the province reported increased revenues from the Sehat Card Plus, a micro-health insurance programme for all citizens of Khyber Pakhtunkhwa.⁹⁴

In August, the State Life Insurance Corporation suspended payments to Khyber Pakhtunkhwa's public hospitals for insured treatments owing to non-payment of dues by the government.⁹⁵ In September, the Khyber Pakhtunkhwa Health Department clarified that the Sehat Card Plus services would be offered to individuals earning a monthly remuneration of less than PKR 37,000, making 35 percent of the province's residents liable to pay partial health costs under a cost-sharing policy.

In October, the Khyber Pakhtunkhwa government delisted over 70 private hospitals listed under the Sehat Card Plus programme, with the delisted hospitals failing to meet a standardised criteria.⁹⁶

Outsourcing hospitals. In January, the Khyber Pakhtunkhwa Health Department suspended the process of outsourcing the management of 58 public hospitals assessed as 'low performing' by the World Bank, prioritizing payments to already contracted health facilities.⁹⁷ In March, the department urged the Khyber Pakhtunkhwa cabinet to approve outsourcing of these 58 hospitals.

In February, private administrations of 11 public hospitals in Khyber Pakhtunkhwa threatened to suspend medical services over non-payment of outstanding dues.⁹⁸ In May, an outsourced public hospital in the Kohistan district suspended its services citing lack of funds. In November, the Khyber Pakhtunkhwa Health Department flouted tenders to privatize the management of eight public hospitals in Khyber Pakhtunkhwa's tribal districts and the Chitral district.

Counterfeit medicines. In January, the Khyber Pakhtunkhwa Health Department seized over 300,000 counterfeit intravenous cannulas and their packaging material from a private company's warehouse in Peshawar district.⁹⁹ In October, the Khyber Pakhtunkhwa Drug Control Cell inspected over 1,500 drug formulations in the Peshawar district through the use of mobile laboratories, identifying over 60 as unsafe for consumption.¹⁰⁰ The Khyber Pakhtunkhwa Health Department found anomalies in the procurement of medicines worth PKR 5 billion for public hospitals, raising fears of heightened distribution of unsafe drugs and medical supplies.

Mental health. In November, Khyber Pakhtunkhwa's first mental health-specific infrastructure, the Institute of Mental Health Sciences, was inaugurated in Peshawar. The institute will provide specialized outpatient, intensive care, psychiatric, counselling and rehabilitation services to residents dealing with mental health issues.

Addiction. According to statistics issued by government in 2023, 11 percent of Khyber Pakhtunkhwa's population suffers from drug abuse.¹⁰¹ In September, according to a report published by *The News*, methamphetamine users in Khyber Pakhtunkhwa are on the rise, with police authorities claiming to arrest hundreds of drug dealers in 2023. In November, a seminar in the Mansehra district stressed the necessity of combating drug abuse among Khyber Pakhtunkhwa's youth.

Housing and public amenities

Illegal housing schemes. Illegal housing projects remained a problem in Khyber Pakhtunkhwa in 2023, with 297 of 442 housing societies across the province declared illegal by the Khyber Pakhtunkhwa Rural Development Department in December. This led to cases being filed by hundreds of citizens in the PHC who claimed that they had been misinformed and defrauded by unauthorized land-purchase schemes.

Anti-encroachment. Drives against encroachment on public land continued throughout the year. In January, the mayor of Peshawar announced 40 open courts to address public complaints regarding encroached land and logistical difficulties.¹⁰² Over 151 acres of state land was recovered in Khyber Pakhtunkhwa by the railway department during anti-encroachment operations in the Peshawar, Rashakai and Mardan districts.¹⁰³ An operation during October in Peshawar's Board

Bazaar area targeting roadside stalls triggered protests, with rights activists claiming the drive targeted Afghan refugees who had worked there since the 1980s.

Environment

Rains and floods. As many as 40 persons were killed by rain, flash floods and dust storms that hit Khyber Pakhtunkhwa in 2023. These included 16 children, two women and 22 men after roofs of houses collapsed or were swept away by floods in the Swat, Bajaur, Kalam, Mardan, and Malakand districts. Heavy rains and windstorms triggered flash floods and landslides, causing widespread damage to properties, including hotels, vehicles, livestock and crops.

Complaints of inadequate government assistance abounded. The scenic tourist destination of Kalam sustained extensive damages. In response to complaints registered by the residents of Bajaur, Malakand and Swat regarding delays in the reconstruction of damaged properties and infrastructure, the Khyber Pakhtunkhwa government launched a dedicated Climate Change Cell with assistance from international donors in July to counteract the effects of the phenomenon and address post-flood reconstruction campaigns.¹⁰⁴ In June, federal Minister for Climate Change Sherry Rehman warned that Khyber Pakhtunkhwa and Gilgit-Baltistan would be majorly affected in the coming years by melting and disappearing glaciers, and urged for the regions to be formally prepared for adverse climate-induced natural disasters and how to manage them.

Air pollution. Air quality in Peshawar was categorized as 'very hazardous' by the Peshawar Clean Air Alliance in November.¹⁰⁵ Construction of a bus transit corridor and unprocessed emissions from stubble burning, motor vehicles and brick kilns were listed as key causes of growing respiratory ailments.

Earthquakes. Some instances of earthquakes rattled residents and properties in Khyber Pakhtunkhwa, including at least two serious ones, one in January that had a magnitude of 5.5 on the Richter scale and one in March which was registered at 6.8.¹⁰⁶ These quakes killed at least 10 persons and injured over 150, with dozens of buildings sustaining considerable damages. Affected areas included Peshawar, Chitral, Dir, Abbottabad, Mardan, Buner, Khyber, Orakzai, and Kurram.

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