



Women and Peacebuilding in Pakistan's North West

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Principal Findings

What's new? A 2018 constitutional amendment provided for Pakistan's north-western tribal belt to merge with the Khyber Pakhtunkhwa province. This change should be a boon for the region's women, as it has extended them rights and protections they lacked under the area's previous legal system.

Why does it matter? Much as women in the north west have benefited from the merger's extension of legal and institutional protections, the gains have not yet been consolidated. Backsliding would not only hurt women but also deprive the region of the full contributions that women can make to peace, security and civic life.

What should be done? Federal and provincial authorities, working with donors, should redouble their efforts to enshrine reforms that allow women to contribute their talents to state building and peacemaking, including in the domains of political participation, security, access to justice and economic empowerment.

Executive Summary

Women in north-western Pakistan's tribal belt are major beneficiaries of the 25th constitutional amendment, passed in 2018, which formally integrated the Federally Administered Tribal Areas (FATA) and Provincially Administered Tribal Areas (PATA) into Khyber Pakhtunkhwa (KPK) province. Basic constitutional protections now apply across the region, as do national laws that underpin women's security and political and economic empowerment. Participating in civil society-led movements, women in the north west have long struggled to achieve such reform. Yet there is still far to go before prospective gains in access to justice, protection of property rights and opportunities for political participation are fully realised. National and provincial authorities should do their utmost to accelerate the pace of change so that women in the region can contribute fully to its civic and political life, including as peacemakers in the area's long-running conflicts.

While the challenges that women faced across the tribal regions are enormous, the legacy of gender oppression in FATA is especially pronounced. Administered under the colonial-era 1901 Frontier Crimes Regulation by an unaccountable federal bureaucracy, FATA was until 2018 unprotected by constitutional protections, national laws or the Pakistani judiciary. Instead, *rewaj* or customary law reigned, meted out by *jirgas* (councils of male tribal elders or *maliks*). *Jirgas* often sanctioned abuses against women, including so-called honour crimes, *swara* (giving away women, mainly minors, to settle disputes) and *ghag*, a practice by which a man forcibly "claimed" a woman in marriage. *Maliks*, the bureaucracy's chief local allies, were also the main impediment to women's social, political and economic mobility.

Women living in PATA were in some respects differently situated, in that PATA was formally part of KPK and offered greater (though still incomplete) legal protections. Those living in urban areas like Malakand had comparatively greater opportunities for educational advancement and civic participation than their counterparts in FATA, although those in rural areas faced comparable levels of discrimination and repression. But the relative benefits enjoyed by PATA's women eroded under Pervez Musharraf's military dictatorship (1999-2008) and the provincial rule of an allied Islamist coalition starting in 2002.

The repression of women across the tribal belt created a deep seam of grievance that jihadist militants were able to exploit as they became an increasing threat to state power in the region. Alienated by the state's unwillingness to protect them from the excesses of *rewaj*, and opposing *rewaj* as a governing principle, many of the region's women responded positively to militant overtures at first. Appearing to take at face value militant pledges to provide rights and protections granted by Islam, they supported the Islamist fighters in both FATA and PATA.

This support, which seems to have peaked by the mid-2000s, was to wane as women realised that the militants' own agenda of gender oppression was in keeping with the same social norms the *maliks* promoted, rather than the more equitable Islamic interpretations they had hoped for. Indeed, the militants' oppression turned out to be severe. In PATA, it included attacks and bans on girls' schools and colleges; the public flogging of women for supposed transgressions of jihadist edicts; and the

murder of others. In FATA, it entailed further curbs on women's mobility. Pakistani Taliban killings of perceived adversaries also left innumerable widows, many heading households, to fend for themselves in a region with few economic opportunities for women. Though some women became dependent on the militants for survival, many others, despite grave risks, defied their restrictions on education and work. Women also crafted strategies for protecting their families, including ways of preventing jihadists from recruiting their sons.

After successive peace deals it had reached with the militants failed, and attacks on security forces mounted, the military launched large-scale counter-insurgency operations in the region. The physical destruction and civilian displacement in both FATA and PATA were unprecedented in the region; the region's economy lay in shambles and millions of residents had to leave their homes. Conflict-induced displacement compounded the challenges that women faced but, for all the hardships, also created unexpected benefits. Though life in internally displaced persons (IDPs) camps was harsh, it featured limited services and basic amenities – including the opportunity to obtain national identity cards that opened further doors to civic participation – that had been wholly absent at home. For female IDPs living with host families, exposure to KPK's urban areas also raised awareness of the extent to which tribal women were denied social, economic and political rights.

As the state haltingly regained control and security improved in the region, segments of a large FATA youth population began campaigning for integration into the political and economic mainstream. Women in FATA participated actively in the Pashtun Tahafuz Movement, the most prominent of the region's reformist currents. As well as demanding FATA's merger with KPK, this movement pushed for demilitarisation and accountability for state excesses during counter-insurgency operations. The 25th amendment and the repeal of the Frontier Crimes Regulation were in large part an outcome of this activism.

The first signs of positive change in the former FATA's merged districts are already visible. Women now have access to the institutions of formal justice and protections provided by the constitution and national laws. Some provisions that guard women's right to property and inheritance and provide protection from *rewaj* abuses are already in force, if only starting to be implemented. In May 2019, the former FATA's residents voted for the first time to elect members of KPK's parliament, which now has a quota for tribal women.

These developments are historic, but the region's women still have innumerable hurdles before them on the road to full political, economic and social emancipation. Development schemes for the merged districts have been pledged but there is little evidence that they are being implemented, undermining prospects for women's economic mobility. A regular police force has yet to gain control of civilian law enforcement, leaving women especially vulnerable. Justice remains elusive for many women since courts are far from fully functional. *Jirgas* and *rewaj* are banned but continue to operate in the former FATA's regions. Mainstream political parties, fearing militant reprisals or pushback from the *maliks*, appear hesitant to fully back women's political empowerment.

To consolidate the gains that have been made toward empowering women in the tribal belt, government institutions, political parties and donors should work together to prioritise the following:

For women's access to justice and security

- ❑ The government, philanthropic and educational institutions, and international donors should provide incentives for women in the tribal belt to pursue legal careers, including through quotas in law schools, research and education grants, and other financial support. The Peshawar High Court should make concerted efforts to elevate qualified women lawyers from the tribal belt to the bench.
- ❑ The federal government should withdraw its appeal of the Peshawar High Court's October 2019 ruling deeming KPK's Actions (in Aid of Civil Power) Ordinance unconstitutional. If it does not, the Supreme Court should resume hearings on the case as soon as possible.
- ❑ The KPK government should establish quotas for women from the tribal districts in the provincial police. It should also empower them to lead the transition to more gender-sensitive policing, including by training and authorising female officers to become first responders in gender-based violence cases. Donors, including the European Union, U.S. and UK, already engaged in police capacity-building programs should aid the provincial police force in supplying such training.

For women's economic empowerment

- ❑ The federal and provincial governments and international donors should consult women in devising development policies for the merged districts. They should provide targeted support for girls' education and training of teachers. The health sector should also be a priority, with educational grants for and professional training of female doctors and nurses from the tribal belt.
- ❑ The federal government should expand women's access to microfinance, replacing current options that come with unaffordable interest rates with low-interest or interest-free schemes.
- ❑ In converting collectively owned tribal lands to individual ownership, the KPK government should protect women's claim to property. Enforcing the 2019 Khyber Pakhtunkhwa Enforcement of Women's Property Rights Act, it should take strict action when women's rights are violated. Lawyers, political parties, media, NGOs and civil society groups, such as the Pashtun Tahafuz Movement, should inform women of their property rights.

For women's political empowerment

- ❑ The federal government should, with international assistance if needed, launch an aggressive drive to ensure that women in the merged districts can obtain computerised national identity cards, which are required to register as voters and also to get access to cash benefits from schemes that target women.

- ❑ The Election Commission of Pakistan should strictly enforce the 10 per cent minimal women's voter turnout threshold in every constituency, denying certification of results where it has not been met.
- ❑ Along with encouraging female voter turnout, political parties should also nominate women candidates from the tribal belt for both reserved and directly elected seats in the federal and KPK legislatures.
- ❑ Political parties and civil society should recognise the importance of explicitly raising the unique challenges to women's political, economic and social empowerment in the merged districts. They should draft their women's rights agendas based on the outcome of dialogue with women from the tribal belt.

Women in Pakistan's tribal belt have long been at the forefront of activism to bring peace and security to this troubled region. With greater protection from the authorities, and the realisation of consequential but still nascent reforms, they can enjoy greater freedom to pursue these endeavours to the benefit of peace, security and the civic life of their communities.

Islamabad/Brussels, 14 February 2022

Women and Peacebuilding in Pakistan's North West

I. Introduction

Despite significant gains for women's fundamental rights, political inclusion and overall security in Pakistan, women who live in the country's north-western tribal belt continue to face enormous security and economic challenges.¹ The 25th constitutional amendment passed in 2018 – which merged the Federally Administered Tribal Areas (FATA) and Provincially Administered Tribal Areas (PATA) into Khyber Pakhtunkhwa (KPK) province – brought those regions into Pakistan's political and legal mainstream. Together with other reforms, the amendment could lead to major advances in women's empowerment, including for those who have worked for peace in conflict-affected regions. Such progress in turn could create larger openings for these activists and advocates to help build post-conflict stability in their home areas. Yet, with the security environment still precarious and follow-through on reforms inadequate, women in the north west could also lose this important opportunity.

This report reviews the history of peacebuilding efforts by women civil and political rights activists and community-based organisations in the erstwhile FATA and PATA – looking at both the obstacles they have confronted and the contributions they have made. It offers recommendations for how to enhance these women's roles through greater access to justice, political enfranchisement, security and opportunity. It focuses specially on the former FATA, where the challenges that women face are particularly acute. The report also examines women's resistance to gender-based discrimination and efforts to mitigate the adverse impact of both Islamist militancy and harsh counter-insurgency operations. It is based on interviews with women's rights activists, NGO professionals, political workers and academics in KPK, including the tribal belt. Interviews were also conducted with politicians and officials in the federal capital, Islamabad. Given the sensitivity of the issues and growing constraints on free speech, many interlocutors requested anonymity. Several locations have also been withheld on security grounds.

¹ For earlier Crisis Group analysis of FATA's and PATA's security and governance challenges, see Crisis Group Asia Briefing N°150, *Shaping a New Peace in Pakistan's Tribal Areas*, 20 August 2018; and Asia Reports N°s 242, *Pakistan: Countering Militancy in PATA*, 15 January 2013; 178, *Pakistan: Countering Militancy in FATA*, 21 October 2009; 164, *Pakistan: The Militant Jihadi Challenge*, 13 March 2009; and 125, *Pakistan's Tribal Areas: Appeasing the Militants*, 11 December 2006. For Crisis Group analysis of the specific impact of conflict on women, see Crisis Group Asia Report N°265, *Women, Violence and Conflict in Pakistan*, 8 April 2015.

II. Women in FATA and PATA: 1947-2008

A. Women and Governance in FATA

FATA was a semi-autonomous tribal region along Pakistan's north-western border with Afghanistan from the country's independence in 1947 until 2018, when it was merged with the adjoining KPK province.

Islamist militancy was not the first, or even the worst, agent of gender oppression in FATA during this period. For decades, FATA's governance was based on the colonial-era Frontier Crimes Regulation of 1901, which concentrated administrative, financial and judicial powers in an unaccountable federal bureaucracy. Article 247 of Pakistan's constitution, which codified FATA's separate status, also denied the national judiciary's jurisdiction and circumscribed the national legislature's authority over the region. FATA residents did not vote in provincial elections, and hence were represented only in the federal parliament. The practices of local administrations and their allied tribal elites, therefore, evaded judicial or political oversight. Given these conditions, as well as stringent restrictions on freedoms of association and speech, women in the tribal belt were deprived of opportunities to raise issues of gender repression, violence and social, cultural and economic exclusion.

Customary justice, or *rewaj*, which vested authority in a male tribal elite, was prevalent in the region. *Rewaj* had a more profound effect on women's lives than the later rise of jihadists. Customary law allowed for child and forced marriages, including *swara* (giving away women, mainly minors, to settle disputes), and for a woman to be forcibly "claimed" by a man as his wife, a practice known as *ghag*. According to the founding leader of a tribal women's network: "With *ghag* a man was basically saying, 'She's mine, and any other man who tries to claim her will be my enemy'".²

The Frontier Crimes Regulation not only failed to protect women from the worst *rewaj* abuses but also discriminated against them. In its only reference to gender, the Regulation subjected any woman committing adultery to up to five years' imprisonment and/or a fine, a sanction not applicable to male infidelity; by contrast, the country's regular penal code makes no such distinction.³ To be sure, Pakistan's national legal regime also discriminates against women, especially after General Muhammad Zia-ul-Haq's regime (1977-1988) introduced laws based on outmoded interpretations of Sharia, such as *qanun-e-shahadat* (the law of evidence), which in some circumstances reduces the worth of women's testimony.⁴ Most national laws,

² Crisis Group interview, Peshawar, February 2021.

³ Section 30, Frontier Crimes Regulation, 1901.

⁴ Enacted in 1984 as part of Zia's Islamisation of state and society, the Qanun-e-Shahadat Order states in its section 17: "The competence of a person to testify and the number of witnesses required in any case shall be determined in accordance with the injunctions of Islam as laid down in the Quran and Sunna. Unless otherwise provided in any law relating to the enforcement of Haddood or any other special law ... in matters pertaining to financial or future obligations, if reduced in writing, the instrument shall be attested by two men or one man and two women so that the one may remind the other if necessary and evidence shall be led accordingly". The Qanun-e-Shahadat Order also allowed courts to determine the competency of witnesses in accordance with Quran and Sunna – and, hence, at the court's discretion, which was significant. As an expert on the subject notes:

however, recognise equal rights on the basis of gender and, crucially, provide equal access to courts to enforce those rights.⁵ By contrast, where the 1901 Regulation governed, crimes against women were far more likely to go unaddressed. With regular courts lacking jurisdiction, the political agent in each of FATA's agencies (districts), who was the top-ranking federal bureaucrat there, and *jirgas* (councils of male tribal elders) had judicial authority.

The male elders or *maliks* running the *jirgas*, who derived their position from a hereditary patriarchal lineage and the political agent's sanction, served as intermediaries between FATA's tribal communities and the state. They and Muslim clerics were the interpreters of *rewaj*. *Jirgas* endorsed abuses against women, including *swara*, rape and so-called honour killings. An activist said: "If subjected to violence, women had a choice: they either stayed in FATA and submitted, or they fled, if possible, to KPK's cities".⁶

Maliks also used *jirgas* to curtail women's social, political and economic mobility. Following their *jirga*'s directives, for instance, tribal followers might threaten to burn the homes of families that allowed women to work or to participate in politics.⁷ In Khyber district's commercial centre, Landi Kotal, people incited by *jirgas* vowed to set shops and entire markets on fire if women were seen shopping unaccompanied by male relatives. Even a woman's possession of a mobile phone could bring her harm.⁸ A youth leader from Kurram district said: "*Maliks* would oppose women's education or employment in FATA because they feared that women's empowerment would undermine the *jirgas*' hold on power".⁹ As discussed below, militants exploited anger at *rewaj*'s abuses to win the support of women in the tribal belt.

B. Women's Status in PATA

In Malakand division, the region comprising most of erstwhile PATA, gender repression was not institutionalised to the same extent as in FATA.¹⁰ Women, at least formally, had recourse to regular legal processes and protections. Unlike in FATA, the constitution and the main bodies of law – the Pakistan Penal Code, Evidence Act and Code of Criminal Procedure – applied to PATA. But PATA still differed from the rest of KPK. Under Article 247 of the constitution, federal or provincial laws did not apply to PATA unless specifically extended by KPK's governor (the federation's representa-

"Under classical Islamic law, the evidence of a man is considered equal to that of two females". Rubya Mehdi, *The Islamisation of the Law in Pakistan* (Richmond Surrey, 1994), pp. 148-149.

⁵ Zia's so-called Islamisation process was aimed at legitimising military rule. For analysis of discriminatory legal provisions, and limited efforts at reform, see Crisis Group Report, *Women, Violence and Conflict*, op. cit.

⁶ The activist, Mariam Bibi, heads a prominent girls' education NGO. She comes from a small village in the former Frontier Region of Bannu. Crisis Group interview, Peshawar, March 2021.

⁷ Crisis Group interviews, women's rights activists from former FATA, Peshawar, March 2021.

⁸ Crisis Group interviews, women's rights activists from Khyber district, Peshawar, February-March 2021.

⁹ Crisis Group interview, February 2021.

¹⁰ PATA included Chitral, Swat, Upper Dir, Lower Dir, Malakand district, parts of Kohistan, Shangla, the tribal area adjoining Mansehra district and the former state of Amb. Aside from Kohistan and the tribal belt, all the other districts fell under KPK's Malakand division.

tive), with the president's consent. At different times in its history, PATA was governed through an array of parallel justice systems, including the PATA Regulations (1975-1994), the Nifaz-e-Shariat (1994-1999) and the Nizam-e-Adl (1999), discussed below.

Yet even PATA's limited but formal inclusion in KPK gave women opportunities that their FATA counterparts lacked. The differences were most manifest in Malakand's urban areas, such as Swat district's Mingora town, which has a vibrant tourism industry. With higher literacy rates than in many parts of KPK, women in PATA's urban centres were economically and socially mobile as well as active in politics and civil society. In more remote PATA regions, however, women faced much the same gender-based discrimination and violence as their FATA counterparts, and were often forcibly denied constitutional rights. A prominent example was female voter suppression in Lower and Upper Dir districts through informal agreements among the region's dominant political parties.¹¹

Political and security dynamics during General Pervez Musharraf's military regime (1999-2008) aggravated women's plight, even in Malakand's urban centres like Mingora. In 2002, the Muttahida Majlis-e-Amal, a six-party alliance of Islamist parties, won KPK's provincial elections with the military regime's active backing.¹² Subsequently, women's rights and participation in public life eroded throughout the province. Women's shelters for victims of violence were closed; higher education institutions segregated; family planning declared un-Islamic and health workers prohibited from offering such services. Music and dancing was banned; and auditoriums and other public spaces, which the clergy held responsible for promoting adultery and obscenity, were shut down.

C. *Jihadists' Appeal to Women in FATA and PATA*

By 2007, the military regime faced rising jihadist threats in both PATA and FATA. In FATA, confronting military operations in the tribal belt first against al-Qaeda in 2002 and then against restive tribes, several militant groups united under the Tehreek-e-Taliban Pakistan (TTP, or Taliban Movement of Pakistan) umbrella in 2007. In PATA, the Tehrik-e-Nifaz-e-Shariat-e-Mohammadi, a jihadist group based in the Swat district, which had conducted a violent campaign to impose Sharia in PATA in the 1990s, subsequently joined hands with the Afghan Taliban. After the Afghan Taliban emirate's ouster in 2001, the Tehrik-e-Nifaz refocused its activities on PATA's Malakand division. Its leader Mullah Fazlullah called for jihad against the West, the Pakistani state and "infidels" at home, using illegal FM radios to gain local support.¹³

The prior oppression of women in FATA and remote PATA regions created opportunities for the Pakistani Taliban and its Tehrik-e-Nifaz allies to appeal to women in both regions. The militants portrayed their Islamist agenda as one of protecting women's rights in contrast to *rewaj* and the state's neglect. The Pakistani Taliban also

¹¹ Crisis Group Reports, *Countering Militancy in PATA; Women, Violence and Conflict in Pakistan*, both op. cit.

¹² Crisis Group Asia Report N°49, *Pakistan: The Mullahs and the Military*, 20 March 2003.

¹³ Fazlullah was also known as "Mullah Radio". In 2013, he was appointed TTP's emir (leader). Operating out of Afghan sanctuaries, he was killed in a U.S. drone strike in Kunar province in 2018.

presented themselves as a revolutionary alternative to an oppressive tribal elite. Approaching *maliks* to complain about abuses was usually a dead end; militant commanders proved more responsive. In the areas under their control, the TTP, for instance, prohibited child marriage and banned women's forced labour.

According to PATA and FATA activists, scores of women in their communities supported the militants at first, including by donating their jewellery, or the proceeds from its sale, to leaders such as Fazlullah.¹⁴ An NGO leader who worked in several FATA agencies said: "The situation for women was so dire that they would support whoever engaged them – whether they were good or bad". An activist from Kurram said: "Women at first gave the TTP support because they were so fed up with *rewaj*". A Malakand-based activist added: "The Swat Taliban would distribute pamphlets in markets and homes telling women, 'If you've been abused, call us at this number'. This is how they penetrated the household".¹⁵

As FATA militants killed or drove out hundreds of *maliks*, they appropriated the *maliks*' traditional role as community gatekeepers both to widen their appeal and to consolidate power. Amid significant disruptions of regular life, and in the absence of media access, local clerics with TTP sympathies who visited homes to teach the Quran were often women's main source of news. As insecurity increased and sending girls to school became riskier, many parents sent their daughters to madrasas nearby or in neighbouring districts. A women's rights activist from Orakzai said families from her tribal district sent daughters to Sunni madrasas in neighbouring Kohat that were known to preach jihad.¹⁶ In rare cases, women even joined militant groups.¹⁷ To this day in Orakzai, where sectarian violence and jihadist recruitment continue, Sunni madrasas for girls remain filled.¹⁸

¹⁴ Crisis Group interviews, KPK, January-March 2021.

¹⁵ Crisis Group interviews, Islamabad and Peshawar, January-March 2021.

¹⁶ Crisis Group interviews, KPK, March-April 2021.

¹⁷ See, for example, "Female suicide bomber kills four outside Bajaur hospital", *Dawn*, 20 April 2013.

¹⁸ Crisis Group interview, KPK, March 2021.

III. Consequences of Conflict and Counter-insurgency

A. Militancy's Impact

Support among women for militant groups waned as the Pakistani Taliban and allied Tehrik-e-Nifaz's agenda of gender oppression became apparent. Aided in part by military-devised peace deals and one-sided concessions, militant groups expanded their control over large areas of the north west. In FATA, successive peace deals quickly broke down, and counter-insurgency operations resumed as each agreement unravelled.¹⁹ In PATA, Fazlullah signed and soon violated the 2007 accord with the Muttahida Majlis-e-Amal, which allowed him to continue preaching in return for ending militancy. As militancy grew, voters in KPK, including Malakand, replaced the Islamist alliance with the liberal Pashtun nationalist Awami National Party (ANP) in the 2008 elections.

With an elected government replacing military rule, Pakistan was now formally a democracy. Yet the military, continuing to call the shots at both the national and provincial levels, pressured the KPK provincial government to sign another peace deal with Tehrik-e-Nifaz in May 2008. As that accord fell apart and militant attacks continued, the military, still opting for negotiations, convinced political leaders to dampen down militancy by agreeing to a key demand, the imposition of Sharia in the region.²⁰ The National Assembly then promulgated Islamic law in Malakand through the Nizam-e-Adl Regulation 2009. The result was the repeal of many national laws that protected women – but no end to militant violence and the distinct threat it posed to women and girls.²¹

Increasing militant control over PATA soon eroded the few rights left to women. By 2009, after Tehrik-e-Nifaz militants, also known as the Swat Taliban, gained control over the Swat Valley, girls' schools and colleges became a primary militant target. After Fazlullah's group announced a deadline for all girls' schools to close, 900 schools shut down, leaving 120,000 girl students out of the classroom and 8,000 female teachers out of work.²² Some women and girls were publicly flogged for alleged transgressions of Sharia. Targeted killings of women included that of a popular dancer whose body was left in a public square for days. This murder, a prominent activist from Dir said, was meant as a warning of "what would happen to you if you defied the militants' view of the role of women".²³ In militant-controlled FATA areas, girls' schools were banned; the TTP took this step, a commander said, because the schools "promote obscenity and vulgarity in society".²⁴

Reflecting patriarchal norms in some of the country's more remote regions, with limited access to education, economic opportunity or justice, many men throughout PATA and FATA supported the militants' agenda. "They opposed girls' education,

¹⁹ Crisis Group Asia Report, *The Militant Jihadi Challenge*, op. cit.

²⁰ Crisis Group interview, former KPK senator, February 2021.

²¹ *Qazi* (religious) courts, for instance, were set up at all levels of the judiciary in PATA.

²² "Dreams Turned into Nightmares: Attacks on Students, Teachers and Schools in Pakistan", Human Rights Watch, 27 March 2017.

²³ Crisis Group interview, Shad Begum, Islamabad, March 2021. Also see Malala Yousafzai, *I am Malala* (New York, 2013).

²⁴ Quoted in "Dreams Turned into Nightmares", op. cit.

women voting and political participation”, a female activist from the region said. “They donated money to the militants. Only when the militants attacked them did sentiments among such men change”.²⁵

Throughout FATA and PATA, militants killed perceived male opponents and occupied their homes, which the widow of a local ANP leader said “they turned into virtual slaughterhouses”, bringing people there to execute them.²⁶ Many widows and families of those killed by the militants were shunned by their communities for fear that anyone associated with them would become a militant target. Widows would also lose any claim to property upon their husbands’ deaths. Male relatives would coerce them into surrendering their share or would take cases to *jirgas* that would rule in the men’s favour. In other cases, men facing militant threats fled the area, leaving wives in charge of the household. Such women-led households were both vulnerable to militant attack and less capable of relocating because of the security risks of undertaking a move.²⁷

Sectarian conflict in FATA’s Orakzai and, especially, Kurram agencies, where Shia locals defied the Sunni Deobandi Pakistani Taliban, imposed additional hardships on women.²⁸ During the worst Sunni-Shia clashes, road closures restricted movement of Shias into Sunni areas, and vice versa. Jihadists and other armed groups would threaten to behead any member of the opposing sect/tribe found in the other’s territory. The predominantly Shia northern part of Kurram, which abuts Afghanistan, was thus isolated from the rest of KPK, as access runs through the predominantly Sunni lower Kurram. Road closures compelled Shias to use circuitous routes through Afghanistan to reach health facilities or workplaces in KPK districts. That journey was especially precarious for women travelling without male relatives. Threats against Sikhs and Hindus were also common, with militants converting Sikh and Hindu women to Islam through forced marriages.²⁹

B. *Counter-insurgency Operations and Displacement*

During the first decade of the 2000s, the military regularly conducted counter-insurgency operations in FATA and PATA. One of the most significant operations took place in Malakand division’s Swat district after Fazlullah’s militants entered Buner district in April 2009, a mere five-hour drive from Islamabad. This demonstration of the militants’ prowess so close to the federal capital provoked national outrage. Military operations that followed in May displaced almost three million people in PATA, destroying infrastructure and eroding the capacity of already fragile state institutions to respond to citizens’ needs.³⁰

²⁵ Crisis Group interview, Islamabad, March 2021.

²⁶ Crisis Group interview, January 2021.

²⁷ Crisis Group interviews, activists, former FATA, PATA regions, KPK and Islamabad, February-April 2021.

²⁸ For background on sectarian conflict in FATA’s Kurram and Orakzai agencies, see Crisis Group Asia Reports N°95, *The State of Sectarianism in Pakistan*, 18 April 2005; and *The Militant Jihadi Challenge*, op. cit.

²⁹ Crisis Group interviews, activists, Kurram and, Orakzai, February-March 2021.

³⁰ Crisis Group Asia Briefing N°93, *Pakistan’s IDP Crisis: Challenges and Opportunities*, 3 June 2009.

During the operation, the military warned that residents who did not flee the region – within prohibitive timeframes and without adequate logistical support – would be considered militant sympathisers. At the same time, humanitarian organisations were disallowed the unimpeded access they had previously enjoyed to the conflict zone. The vast majority – around 80 per cent – of Swat's internally displaced persons (IDPs) stayed with host families; the remaining 20 per cent were roughly evenly divided between privately and publicly run IDP camps.³¹

Conflict-induced displacement from FATA, the result of militancy and counter-insurgency operations, was also massive in scale throughout the decade. Some 500,000 residents had fled the tribal belt even before the Swat exodus. Hundreds of thousands continued to be uprooted through 2009 and 2010, from the northernmost tribal agency of Bajaur to the southernmost, South Waziristan.³² FATA's most intense wave of displacement came with North Waziristan's June 2014 Zarb-e-Azb (Quick Strike) operation; some 450,000 residents left within the first ten days, and one million within a month. Overall, 1.5 million FATA residents were displaced, moving either to the main IDP camp in Bannu's Frontier Region or in with host families in neighbouring KPK districts.

The state treated FATA's displaced people differently, with greater restrictions on movement and humanitarian aid, than those from PATA. The foreign ministry argued that FATA's displaced did not meet the legal threshold for being classified as IDPs.³³ It reportedly coined a different term – “temporarily dislocated persons” – that it then used to describe FATA's IDPs, symbolising the discrimination. Many humanitarian and social workers believe the purpose of the distinction was to limit relief activities within and access by local and international humanitarian agencies to a strategic region bordering Afghanistan.³⁴

Displacement created gender-differentiated challenges for women in the tribal areas. Among Swat's displaced were around 69,000 pregnant women.³⁵ Figures for FATA have been difficult to compile but are likely comparable. Some women gave birth in camps, with inadequate medical care; others even gave birth on streets while fleeing violence, according to anecdotal accounts. Miscarriages were common.³⁶ Women in camps, particularly those without a male head of household, faced sexual abuse and harassment, poor health and sanitation facilities, and limited privacy. Women IDPs also had difficulties obtaining cash, food and other assistance since aid

³¹ Ibid.

³² Crisis Group Asia Briefing N°111, *Pakistan: The Worsening IDP Crisis*, 16 September 2010.

³³ The foreign office spokesperson said: “These people have not been displaced as a result of war or occupation of their area. Our law enforcement agencies have started action in tribal areas to re-establish the writ of the government [and] that is why the affected population of FATA should be called TDPs and not IDPs”. “Call IDPs temporarily dislocated, govt agencies told”, *Dawn*, 13 September 2014.

³⁴ Crisis Group interviews, activists and officials, Islamabad and Peshawar, April 2021.

³⁵ Ashfaq Yusufzai, “Pakistan: Displacement traumatic for pregnant women”, Inter Press Service, 9 July 2009.

³⁶ Crisis Group interviews, women's rights activists, social and health workers, KPK, February-March 2021. See also Crisis Group Report, *Women, Violence and Conflict in Pakistan*, op. cit.

distribution points were often in public spaces most women were uncomfortable going to.³⁷

In both PATA and FATA, after claiming quick victories over the jihadist networks, the military compelled residents back to their homes, using the pace of returns as a measure of its counter-insurgency successes. In most cases, these returns happened before security was fully restored. Hundreds of thousands, especially in FATA, experienced multiple waves of displacement amid renewed jihadist attacks.³⁸

Physical and psychological stresses continued long after the military declared areas cleared of militants and demanded that IDPs return. Limited reconstruction resources and the authorities' underwhelming efforts to rebuild destroyed homes – notwithstanding public demands and government pledges – have had serious implications for returning women IDPs, who are more vulnerable to abuse in communal settings and therefore in greater need of their own homes. Many homes, girls' schools and health facilities have yet to be rebuilt. Soldiers continue to occupy several schools and colleges, either for security purposes or simply as their own accommodations.³⁹

Other challenges for women and girls from the period of militancy and counter-insurgency linger as well. Earlier, in the absence of state protection, many families in FATA and PATA were compelled to engage with militant commanders for survival. Those contacts later invited punishment by the military. At checkpoints, soldiers reportedly maintained lists of alleged militant associates. Families would avoid crossing those checkpoints for fear of having members on the lists, restricting women's crucial access to IDP camps, host families or medical facilities.⁴⁰

Even now, after many FATA regions have been cleared of militant control, army checkpoints remain particularly onerous for women; soldiers ask women to lift their veils and demand details about their private lives. The military also pays little deference to the sanctity of the home, often justifying intrusions in the name of security. In one video that was shared widely on social media starting in late 2018, a woman claimed that soldiers had raided her home in North Waziristan's Khaisor town, warning that they would spend nights in her house until one of her sons, whom they accused of kidnapping, surrendered. The incident sparked major protests. While the military did not publicly admit guilt, local activists claimed that a top military official privately apologised to the family.⁴¹ In another such incident in Mohmand district in May 2019, a woman reportedly killed a Frontier Corps soldier for allegedly trying to enter her home.⁴²

³⁷ Crisis Group Briefing, *The Worsening IDP Crisis*, op. cit.

³⁸ Crisis Group Briefing, *Shaping a New Peace in Pakistan's Tribal Areas*, op. cit.

³⁹ Crisis Group Briefing, *The Worsening IDP Crisis*, op. cit.

⁴⁰ Crisis Group interviews, activists, NGO personnel and academics, KPK, February-March 2021.

⁴¹ Abubakar Siddiqui, "Alleged harassment by Pakistani soldiers sparks protests in Waziristan", *Gandhara*, 29 January 2019.

⁴² An interview with the woman is available (in Pashto) at "KP Digest: How and why a Pakhtun woman killed a Pakistani army soldier", video, YouTube, 4 May 2019.

C. *Extrajudicial Killings and Enforced Disappearances*

Scorched-earth military bombardment, extrajudicial killings and enforced disappearances have characterised Pakistan's counter-insurgency operations. While the Pakistani Taliban target families allegedly affiliated with their opponents or the state, the military targets families allegedly affiliated with the militants. Both sides have interpreted loosely what it means to be affiliated. The military has primarily, if not exclusively, gone after men. Yet, just as the militants' targeted killings have made thousands of war widows vulnerable to economic, sexual and other exploitation, enforced disappearances by security forces have left many thousands of others in a similar predicament.

By 2011, enforced disappearances – which had already played a significant part in motivating nationwide protests against the Musharraf regime – became a major politically contentious issue. To preclude legal challenges to secret detentions, the military had pressured the Pakistan Peoples Party-led government (2008-2013) to enact the Actions (in Aid of Civil Power) Regulation for FATA and PATA in mid-2011. The regulation authorised the state to set up internment centres for suspected militants “in order to incapacitate [them] from committing any offence or further offences” or if internment was “expedient for peace in the defined area”.⁴³

In effect, this regulation has given the military legal cover to carry out enforced disappearances. In 2017, there were reportedly some 45 internment centers in FATA and PATA. In 2021, some sources claim that there were still close to twenty internment centres in the region. The centres are inaccessible even to parliamentary committees that have demanded visits. The Peshawar High Court maintained a list of around 2,000 missing persons, which was withdrawn from its website in early 2018. Rights activists believe the numbers of enforced disappearances to be much higher.⁴⁴

Mirroring the stigma families targeted by the Pakistani Taliban face, the families of men secretly detained by the military are ostracised by neighbours and relatives who apparently fear retaliation or interrogation by security personnel. Wives, already having lost the family's earner, bear the brunt of this social isolation.

⁴³ Actions (in Aid of Civil Power) Regulation, 2011.

⁴⁴ Crisis Group Report, *Shaping a New Peace in Pakistan's Tribal Areas*, op. cit.

IV. Resistance and Peacebuilding Efforts by Women in a Conflict Zone

A. *Resisting Jihadists*

Crisis Group spoke to women activists from across the tribal belt who highlighted the role that women played as conflict actors and peacemakers alike in the region's earlier tribal conflicts. In some cases, women took up arms to protect their homes or to avenge the murders of husbands, fathers or sons.⁴⁵ But since the onslaught of Islamist militancy in FATA and PATA, women have relied primarily on peaceful means to defy jihadist intimidation and repression. In the most famous case, the young Malala Yousafzai wrote an anonymous diary chronicling life under the Swat Taliban for BBC Urdu. Many women flouted militant bans on females leaving their homes, in order to fetch water and other necessities, unaccompanied by a male guardian. In Swat and FATA's Khyber agency, girls and their teachers found ways to circumvent prohibitions on girls' education, including by holding classes at teachers' homes. Despite militant threats, women professionals also continued working with NGOs delivering health and other services.⁴⁶

The cumulative effect of these actions was to mitigate, though not fully break, the fear spread by jihadists in society. Widows and their female relatives, for instance, took the lead in ensuring community support for families of victims of Taliban violence. "Attending funerals of those killed by the Taliban became an act of defiance", said Noreen Naseer, an activist from Kurram district and Peshawar university professor, who focuses on peacebuilding initiatives. "It was also an act of peacebuilding because peace is only possible if fear is gone".⁴⁷

Pashtun tribal customs compel a widow to remarry into her husband's family. At the height of Pakistani Taliban control of large parts of the tribal belt, many families had at least one militant family member. Taliban commanders attempted to force women whose husbands were killed in militant attacks into marrying the militant in the family; scores of widows refused.⁴⁸

Moreover, in a sharp departure from social and cultural constraints on female mobility, women would in some situations take the lead in negotiating with the Taliban. For instance, when militants abducted men, wives or other women in the household would often press for their male relatives' release. Concerned about the spread of militancy, women often also worked proactively to counter Taliban recruitment of family members. A Peshawar-based NGO director from the former Bannu tribal district said: "Mothers started saying, 'We don't want our sons sent for jihad'. They wouldn't let militant recruiters into the house".⁴⁹ Samina Afridi, a Peshawar-based academic from Khyber district, said: "Militant commanders had charisma and power. Many young men in Waziristan were emulating them and would see them as role

⁴⁵ Crisis Group interviews, women activists, KPK, March 2021.

⁴⁶ Crisis Group interviews, women NGO representatives, Peshawar, February-March 2021.

⁴⁷ Crisis Group interview, Peshawar, March 2021.

⁴⁸ Crisis Group interviews, women activists, KPK, March 2021.

⁴⁹ Crisis Group interview, Mariam Bibi, Peshawar, March 2021.

models. Mothers would move the sons out of Taliban-controlled areas so that they wouldn't fall under militant influence".⁵⁰

Such efforts also included dissuading militant recruitment through appeals to religion. Zainab Azmat, an activist from South Waziristan who was FATA's representative to the National Commission on the Status of Women, cited the example of a woman whose son was being trained for suicide bombing. "She sat outside the mosque, where the trainers had a base, every day and would quote from Islamic teachings to say that her son cannot be trained for conflict without her permission".⁵¹

B. *Turning Setbacks into Opportunities*

Though conflict imposed many hardships on women and girls, some were quick to exploit certain openings that came from displacement. Social mobility for FATA's women and women in PATA's remote rural regions was mainly limited to visiting families in nearby villages. Very few had ventured beyond, to KPK's cities or PATA's urban areas. The IDP crisis broke these patterns of immobility.

Women also started questioning the constraints placed on their mobility. In IDP camps, men would tell their wives, daughters and other female relatives: "You have to observe *purdah* [veiling], and you can't meet anyone'. Women IDPs started questioning why their men were bent on holding them back", said an activist from Dir.⁵² Most importantly, exposure to the outside world raised women's awareness of the causes of conflict at home, which many in this group now perceived as a product of misrule by the state, its bureaucracy and allied tribal elites.⁵³

The scale of violence and its impact on women's everyday lives also led them to more publicly question flaws in the region's governance. Even the limited access to health and other basic services in IDP camps was absent at home, raising women's consciousness of the need for, and their rights to, better service delivery. Because the vast majority of female IDPs stayed with host families, they were exposed, many for the first time, to outside sources of information, including via the internet and local and national media. In the camps and in cities such as Peshawar, Mardan and Mingora, they interacted with female professionals, including NGO workers and civil society activists. "When they went back to FATA and PATA, they went with new demands – for access to markets, health care, education, roads", said a PATA activist. Women also demanded skills training and access to credit.⁵⁴

Women's experience of life in IDP camps also, for all the hardships involved, could take them a step closer to economic and political independence. Many women, for instance, obtained a computerised national identity card (a process requiring biometric verification, which was at least sometimes available at IDP camps); the card was a prerequisite for opening a bank account, withdrawing cash and getting other assistance. Acquiring this card also meant that they could be added to voter rolls and cast a ballot in elections.

⁵⁰ Crisis Group interview, Peshawar, February 2021.

⁵¹ Crisis Group interview, Islamabad, February 2021.

⁵² Crisis Group interview, Islamabad, March 2021.

⁵³ Crisis Group interviews, women rights activists, KPK, February-March 2021.

⁵⁴ Crisis Group interview, Shad Begum, Islamabad, March 2021.

In FATA, using their newly found skills and social exposure, particularly to civil society groups, women began to organise for change. A number of tribal women's networks and forums emerged, including Taqra Qabaili Khwende and Qabaili Khor. Taqra Qabaili Khwende appointed a male focal person in each tribal agency and frontier region, who enjoyed sufficient trust among and access to women in his area. That man arranged press conferences and meetings with political leaders to publicise women's concerns and demands, such as for gainful employment and education.⁵⁵ Women lobbied with political party leaders for reserved seats for FATA's women in the federal parliament. Women activists also petitioned the judiciary for the same purpose.⁵⁶ Women activists' ultimate targets, however, were the colonial-era laws' repeal and an end to *rewaj*.⁵⁷

C. Political Reform: The 25th Amendment

Established in November 2015 and chaired by Sartaj Aziz, foreign affairs adviser to then Prime Minister Nawaz Sharif, the six-member government committee, tasked with developing recommendations for FATA reforms, had no female members. Community engagement on FATA reform in the tribal belt was also largely confined to *maliks*. The committee's August 2016 report proposed "a gradual and phased approach", including a five-year transition period for a FATA-KPK merger. In the interim, Article 247 of the constitution would be retained, and the Frontier Crimes Regulation would be replaced with the Rewaj Act, which codified a combination of Pakistan's civil and criminal law and traditional justice.⁵⁸

FATA women's groups were among the most vocal opponents of the proposal to retain Article 247 and to replace the Regulations with the Rewaj Act. They mobilised women in FATA, conducted media advocacy to shape national public opinion, and lobbied political leaders inside and outside parliament.⁵⁹ An early 2017 survey in Kurram district found "most matriarchs were resigned to their fate – but younger women expressed anger at oppressive customs sanctioned through the Frontier Crimes Regulation", which would be given new life by the Rewaj Act.⁶⁰ Tribal women's networks also solicited cooperation from men in FATA, highlighting how aspects of *rewaj* were detrimental to them. A prominent example cited was *rewaj*'s emphasis on hospitality, which was used to justify or compel accommodating militants in peo-

⁵⁵ Crisis Group interview, Shahida Shah, convener, Taqra Qabaili Khwende, Peshawar, February 2021.

⁵⁶ "PHC moved to reserve seats in senate, NA for FATA women", *The News*, 11 May 2018. Sixty seats are reserved for women in the lower house of parliament, the National Assembly. These do not represent individual electoral constituencies. Instead, women are elected by parties on the basis of proportional representation in the house. There is also a 17 per cent quota for women in the indirectly elected Senate, the upper house of parliament.

⁵⁷ On 23 March 2016, marking National Day (commemorating the Lahore Resolution of 1940 calling for Pakistan's creation), the Taqra Qabaili Khwende held a press conference in Peshawar demanding the Regulations' repeal. "Direct line of fire: Women from FATA want to break free of FCR", *The Express Tribune*, 23 March 2016.

⁵⁸ Crisis Group Briefing, *Shaping a New Peace in Pakistan's Tribal Areas*, op. cit.

⁵⁹ Crisis Group interviews, civil society activists, Peshawar, March-April 2021. See also "Tribal women demand Fata's merger with KP", *Dawn*, 21 October 2016.

⁶⁰ "Fata's forgotten women", *Dawn*, 23 May 2017.

ple's homes.⁶¹ Mobilisation and advocacy by women activists helped to erode political support for the Rewaj Act, and the federal cabinet opted against tabling the bill in parliament.

The Pashtun Tahafuz Movement, a civil society-led effort, gave women in FATA and PATA an avenue to press for their rights. Founded in 2013 as the Mehsud Tahafuz Movement by a group of young Pashtun activists from South Waziristan, and focused on rights and protections for the Mehsud tribe, the movement was renamed in 2018 and came into the limelight when it tapped into Pashtun outrage at Karachi police's January 2018 killing of Naqeebullah Mehsud, an aspiring model from North Waziristan; a police enquiry concluded that it was an extrajudicial killing of a youth with no militant links.⁶² Holding massive rallies in FATA, PATA, Islamabad and provincial capitals, the movement, condemning military support for jihadist proxies, demanded an end to extrajudicial killings, enforced disappearances, curfews, humiliation at checkpoints and restrictions on freedoms in the tribal belt. Women activists mobilising for the rallies used the platform to demand an end to patriarchal customs in the tribal belt, and to highlight conflict's adverse impact, including enforced disappearances and extrajudicial killings, on women.⁶³

This movement's advocacy was to help produce the necessary momentum for more comprehensive FATA reform, even persuading the military to relinquish some control over the tribal areas.⁶⁴ In May 2018, the federal and Khyber Pakhtunkhwa legislatures passed the 25th constitutional amendment, repealing Article 247 and merging FATA with KPK. But the reform had a major flaw: a presidential ordinance replaced the Frontier Crimes Regulations with the equally draconian FATA Interim Governance Regulation.⁶⁵ Tribal women's advocacy groups mobilised against this new law, and together with others petitioned the higher judiciary, which now had jurisdiction over the region, to strike it down.⁶⁶ In October 2018, the Peshawar High Court ruled the Interim Governance Regulation unconstitutional, thus removing the final obstacle to a merger of FATA with KPK that would move the territory out from under the shadow of the legal regime that had so long been an instrument for repressing the region's women.

⁶¹ Crisis Group interviews, tribal women's rights groups, KPK, February 2021.

⁶² The enquiry found that Karachi police had killed Mehsud in a staged encounter. The officers allegedly responsible for the murder are now on trial. Imtiaz Ali, "Naqeebullah was killed in 'fake encounter', had no militant tendencies: police inquiry finds", *Dawn*, 20 January 2018; "Three witnesses depose against Rao Anwar in Naqeebullah murder case", *The News*, 12 March 2021.

⁶³ Crisis Group interviews, women activists, KPK (former FATA), February-March 2012.

⁶⁴ Crisis Group Report, *Shaping a New Peace in Pakistan's Tribal Areas*, op. cit.

⁶⁵ For instance, the highest-ranking bureaucrat in a tribal district, now called deputy commissioner, retained many of the political agent's powers, including the authority to arrest men between the ages of sixteen and 65 who "are acting in a hostile, subversive or offensive manner towards the State or any person residing within the settled area of Pakistan". FATA Interim Governance Regulation, 2018.

⁶⁶ "Tribal women activists to challenge Fata Interim Governance Regulation", *Dawn*, 13 June 2018.

V. Peacebuilding Challenges and Opportunities

A. Access to Justice

1. *Rewaj*, policing and security

After passage of the 25th constitutional amendment, women of the former FATA have benefited from the rights and protections available under national laws, now applicable to them. *Jirgas* applying *rewaj* are illegal, and the local bureaucracy's authority has been curtailed.⁶⁷ In 2019, the Supreme Court had ruled that *jirgas* were unconstitutional and in violation of Pakistan's international commitments, including under the Universal Declaration of Human Rights and the Convention on the Elimination of all Forms of Discrimination against Women; earlier in 2000, the Peshawar High Court had ruled against the custom of *swara*.⁶⁸ Yet enforcement of these new protections is uneven. In Khyber district, for instance, locals campaigned for and won the abolition of *swara* and bride price. The latter practice, however, persists in North and South Waziristan. *Jirgas* also continue to pronounce judgments in various tribal districts, including to direct so-called honour killings of women. An activist from Orakzai said: "A woman gets killed first in the name of honour, and then there is talk about whether she was really guilty".⁶⁹

Yet, even if FATA's merger with KPK has not ended *rewaj* abuses, it has at the very least helped to reduce and expose them to public censure. "*Ghag* [the forcible claiming of women by men] still happens, but now it is more hidden", said a woman activist from the tribal belt. "More women are bringing it to public attention, complaining to officials, reporting it to the media, to radio stations and through the internet. So, men are at the least more wary of openly resorting to such practices".⁷⁰

In early 2019, the KPK government appointed a well-known women's rights activist as provincial ombudsperson under the federal Protection Against Harassment of Women in the Workplace Act of 2010.⁷¹ While the law covers workplace harassment, the ombudsperson's mandate has been extended to protect women from *rewaj* abuses as well. Many women across the tribal districts have come forward with complaints.⁷²

Yet major impediments remain to redressing crimes against women. Perhaps chief among them is the absence of a professional police force in the former FATA. Following FATA's merger with KPK, tribal elites and local bureaucracies seeking to preserve their power have stood in the way of urgently needed police reform. Until the merger, civilian law enforcement in FATA was exercised by tribal policing units including

⁶⁷ The 2011 Prevention of Anti-Women Practices Act, which bars forced marriages, marriages to the Quran, giving away women in *vani* or *swara*, or depriving them of inheritance, now applies to the tribal districts.

⁶⁸ "SC holds *jirgas* violative of Pakistan's world commitments", *Dawn*, 17 January 2019; Mohammad Ali Babakhel, "Women or property?", *Dawn*, 10 July 2016.

⁶⁹ Crisis Group interview, KPK, March 2021.

⁷⁰ Crisis Group interview, Shahida Shah, Peshawar, February 2021.

⁷¹ In September 2017, the Peshawar high court had directed the KPK government to make an appointment within two months. "Rukhshanda Naz named first provincial ombudsperson", *The News*, 3 January 2019.

⁷² Crisis Group telephone interview, Rukhshanda Naz, KPK ombudsperson per the Protection Against Harassment of Women in the Workplace Act, April 2021.

khasadars, appointed by tribal authorities on a patrilineal rather than merit basis, and Levies, appointed by FATA's political administration, with the political agent serving as the commandant. The KPK government has opted to gradually integrate *khasadars* and Levies into the regular provincial police. But the process, initiated in April 2019, is deeply flawed. Levies personnel are poorly trained and *khasadars* still owe allegiance to *maliks* rather than the state.⁷³ An unconditional large-scale absorption of irregular tribal units will hinder women's ability to seek police protection and to report crimes.

The extension of KPK's police presence in the former FATA is also slow. A police officer in a tribal district said many police stations lack funds and other resources. As a result, the officer added, policing often does "not penetrate beyond the [tribal district's] hub".⁷⁴

The absence of an effective, professional police force capable of keeping militancy in check has significant implications for a fragile peace in the former FATA and, consequently, for the safety and security of local women. There were worrying signs of a Pakistani Taliban revival even prior to the Afghan Taliban's August 2021 takeover.⁷⁵ Women were once again being targeted, as was the case with the 22 February 2021 killing of four female NGO workers in North Waziristan.⁷⁶ That May, Pashtun Tahafuz Movement leader Mohsin Dawar warned parliament that the TTP was regrouping. "The security situation in the newly merged districts of Khyber Pakhtunkhwa in general and the districts of North and South Waziristan in particular continues to deteriorate".⁷⁷

The risks have only grown now that the Afghan Taliban have again taken power in Kabul. The Pakistani Taliban, emboldened by their Afghan allies' victory, have escalated attacks on Pakistani security forces. Islamabad's attempts to convince Taliban authorities to take action against the Pakistani militants or expel them from Afghanistan have failed, as have Pakistani efforts, at the Afghan Taliban's urging, to negotiate a peace with the TTP.⁷⁸ Even if talks succeed, they will likely resemble earlier short-lived peace deals that allowed the tribal militants to regroup and resume attacking security forces and civilians. The Pakistani Taliban's resurgence bears particularly grave implications for the security of women and girls in the tribal belt given their hardline Islamist ideology and their long history of gender-based violence.

The military should guard the border to deter Pakistani Taliban attacks from Afghan sanctuaries, but Islamabad's response should not stop there. Although TTP attacks are also surging in the tribal belt, military operations are not the answer. Such oper-

⁷³ At the time of the merger, the tribal units numbered around 34,000, over one third of the KPK police force's total strength. By January 2022, around 17,000 *khasadars* and Levies had completed training for integration into the regular KPK police force, according to a senior KPK police officer. Crisis Group telephone interview, January 2022.

⁷⁴ Crisis Group interview, KPK, April 2021.

⁷⁵ See Crisis Group Asia Briefing N°169, *Pakistan: Shoring up Afghanistan's Peace Process*, 30 June 2021; and Crisis Group Asia Report N°320, *Pakistan's Hard Policy Choices in Afghanistan*, 4 February 2022.

⁷⁶ "Four women killed in attack on NGO's vehicle in North Waziristan", *The News*, 23 February 2021.

⁷⁷ "Dawar seeks joint session of parliament", *Dawn*, 7 May 2021; "Breakaway faction, splinter group join TTP", *Dawn*, 18 August 2020.

⁷⁸ Crisis Group Report, *Pakistan's Hard Policy Choices in Afghanistan*, op. cit.

ations, as in the past, are likely to fuel the local grievances that led to the rise of militancy. Instead, KPK's police should be given the autonomy and resources to enforce the law in the merged districts. Yet effective policing also requires a functioning formal justice system, which as discussed below the authorities have been slow to establish. For both men and women in the merged districts, access to formal justice is an essential prerequisite for safety.

2. Judicial protections

After the 25th amendment extended judicial authority over the former FATA, there has been some progress, albeit slow, in setting up courts within the merged districts. Bajaur was the first tribal district to establish a district court in February 2019.⁷⁹ Mohmand established a district and sessions court that July. Though the stigma against women approaching courts to seek justice remains strong, often experienced as pressure from husbands and other male household members, at least one woman has already filed a property dispute case in Mohmand.⁸⁰

In other merged districts, many courts are still based in the former FATA's adjoining KPK districts. Travel by road, especially from more remote towns and villages to adjoining districts, can take up to eight hours. For women, whose mobility is often circumscribed by security concerns, these distances can be prohibitive. The Peshawar High Court had directed the KPK government to establish courts in all tribal districts by the end of November 2018. The government, following the court's directives, should speed up the establishment of such courts.⁸¹

The superior judiciary does appear more willing than in the past to check many arbitrary state actions. The Peshawar High Court in particular has demonstrated willingness to exercise the jurisdiction granted by the 25th amendment in a manner protective of advocacy efforts. In its first ruling in mid-June 2018, less than a month after the constitutional amendment had passed, the court overturned the North Waziristan administration's ban on Pashtun Tahafuz Movement leader Mohsin Dawar visiting the district, which is his home and the base from which he was contesting a National Assembly seat.⁸² Subsequent rulings have protected movement activists' rights, including removing them from an arbitrary "exit control list" (prohibiting travel abroad) and granting bail to some who had been detained.⁸³ As discussed above, the court also voided the FATA Interim Governance Regulation.

The Peshawar High Court's boldest ruling thus far was the October 2019 decision, which dealt a potentially powerful blow to the legal regime under which security forces have conducted enforced disappearances. It ruled that the KPK government's Actions (in Aid of Civil Power) Ordinance of 2019, extending the application of the 2011 Actions (in Aid of Civil Power) Regulation (mentioned earlier) to the entire province,

⁷⁹ Information about the court is available at its website.

⁸⁰ "District and sessions court hears first-ever case in Mohmand", *The Express Tribune*, 2 July 2019.

⁸¹ As of January 2022, more than three years after the High Court deadline, only 37 of the 56 sanctioned courts are functional. Crisis Group telephone interview, donor representative, January 2022.

⁸² "PHC sets aside order barring Mohsin Dawar's entry in North Waziristan", *Dawn*, 14 June 2018.

⁸³ "Peshawar High Court orders release of PTM lawmakers", *The Express Tribune*, 18 September 2019.

was unconstitutional.⁸⁴ Also demanding that KPK's police chief assume control of military-run detention centres, the court called for the establishment of a new committee to scrutinise all detainee cases, releasing those who have no charges against them and adjudicating the rest through regular courts. A week later, the Supreme Court suspended the Peshawar court's ruling on the federal government's appeal and began its own hearings on the ordinance. It has yet to decide the case. Should the Supreme Court uphold the Peshawar High Court decision, it would provide fresh momentum for civil and political rights campaigners in the merged districts.

B. *Political Repression and Emancipation*

1. Civil society activism amid shrinking civic space

The Pashtun Tahafuz Movement has done more than any recent social movement to shape public debate about civil and human rights in the ex-FATA lands, and to force the state into concessions, such as the release of hundreds of illegally detained prisoners and removal of many army checkpoints.⁸⁵ Women have played a prominent role in the movement, including many whose husbands and sons were either killed or disappeared in the conflict. The state's crackdown on the movement, however, threatens its rights agenda.

Tensions between the movement and the military escalated after thirteen protesters died in a May 2019 clash with soldiers manning a checkpoint in North Waziristan. The military claimed that one soldier was also killed. The independent Human Rights Commission of Pakistan warned that such incidents could drive "a permanent wedge between the people of the tribal districts and the state".⁸⁶

Pressure by security agencies on Pashtun Tahafuz Movement leaders and activists has since drastically increased. A Peshawar-based academic said she was compelled to cut ties with the group because she taught at a public university and could not risk losing her job.⁸⁷ A KPK human rights department official said she was not allowed to discuss the movement on her ministry's premises.⁸⁸ The movement's leaders have been charged with grave crimes, including sedition. In one of the most serious such cases, in January 2021 a Karachi anti-terrorism court charged the movement's three most prominent figures, Manzoor Pashteen, Mohsin Dawar and Ali Wazir, with waging war upon Pakistan. The latter two are National Assembly members from North and South Waziristan, respectively.⁸⁹

Crackdowns on the Pashtun Tahafuz Movement extend to prominent women activists. In one high-profile case, human rights defender and military critic Gulalai Ismail, who joined the group, faces charge of treason. She has since been forced into

⁸⁴ The KPK government extended this law to forestall an earlier bid to declare its 2018 extension of the law to erstwhile FATA and PATA discriminatory and hence unconstitutional.

⁸⁵ Qamar Jafri, "The Pashtun Protection Movement in Pakistan," International Center on Non-violent Conflict, September 2021.

⁸⁶ "HRCP demands release of MNA", *The News*, 28 May 2019.

⁸⁷ Crisis Group interview, February 2021.

⁸⁸ Crisis Group interviews, NGO professionals, activists, professors and human rights official, KPK, February-March 2021.

⁸⁹ "PTM leaders chargesheeted in sedition case", *Dawn*, 1 January 2021.

exile in the U.S.; her family in Pakistan, including her father, are still targeted by security agencies.⁹⁰

There is also a crackdown on other civil society groups as well as NGOs delivering vital humanitarian and development assistance. This campaign dates back to the 2 May 2011 U.S. raid that killed Osama bin Laden in KPK's Abbottabad district, following which the federal government introduced a highly intrusive regulatory policy for international NGOs.⁹¹ Restrictions on local NGOs later followed. In July 2019, the KPK legislature, led by the national ruling party, passed the Khyber Pakhtunkhwa Charities Act to regulate local NGOs, charities and madrasas. The following January, the provincial government de-registered over 3,800, or 65 per cent of, NGOs.⁹² Communities in the tribal belt are being deprived of vital services; women are particularly hard hit since NGOs are a major source of employment. Following state guidelines, NGOs now hesitate to work in the merged districts on policy advocacy and reform. An NGO head said: "We can do bricks and mortar work in North Waziristan, nothing else".⁹³

There are tough restrictions on online speech, and freedom of the press is also under siege. Mainstream media outlets are often forced to accept state-imposed restraints when reporting on KPK's conflict zones. To circumvent reporting restrictions on print and electronic media, women activists use social media and messaging services to report, for instance, harassment by state agencies or local elites.⁹⁴ Activists also make use of local FM radio stations to highlight continued abuses by *jirgas*.⁹⁵ Their willingness to take such risks is gradually increasing, helping shape public discourse in the region and nationwide on women's rights in the merged districts.

While they have provided a critically important platform for women activists, the Pashtun Tahafuz Movement and similar civil society groups could do more to support their cause. Gender is conspicuously absent from the movement's core agenda.⁹⁶ A woman activist in the movement said: "It takes the view that women will benefit automatically if fundamental rights issues are addressed".⁹⁷ But the differentiated issues that affect women seeking to exercise their rights can be better identified and addressed if civil society devises its agenda through, among other things, dialogue and consultation with tribal women, most directly affected by conflict.

⁹⁰ "She escaped Pakistan. Now her father has been thrown into jail", *The New York Times*, 3 February 2021.

⁹¹ "Policy for Regulation of International Non-governmental Organizations in Pakistan", Notification No.6/34/2015-PE-III, Ministry of Interior, Government of Pakistan, 1 October 2015. A doctor allegedly working for Save the Children was held responsible of helping trace bin Laden's whereabouts in Abbottabad.

⁹² "KP de-registers 65pc NGOs, freezes their bank accounts", *Dawn*, 23 January 2020.

⁹³ Crisis Group interview, Islamabad, January 2021.

⁹⁴ Crisis Group interviews, women rights activists, Peshawar, March 2021.

⁹⁵ Crisis Group interviews, activists, KPK, February-March 2021.

⁹⁶ The movement's demands include a truth and reconciliation commission to address extra-judicial killings in Pakistan; an end to enforced disappearances and a requirement that those illegally detained be produced before courts; an end to collective punishment and other rights abuses; the removal of landmines from the tribal districts; and an end to harassment at army checkpoints.

⁹⁷ Crisis Group interview, Peshawar, January 2021.

2. Political parties, women and the vote

The abolition of the Frontier Crimes Regulations and merger of FATA and PATA with KPK have created new opportunities for women in the tribal areas to participate in local, regional and national politics. Originally focused on basic needs such as clean drinking water and health, rights activists in the region are now pursuing more ambitious agendas around women's political empowerment. More and more, they perceive better health care, education and economic opportunity as dividends that will come with a greater role in policymaking.⁹⁸

Even at the height of militancy in KPK, some women were willing to vote and participate actively in elections as candidates but gained little support even from avowedly liberal parties, such as the ANP and Pakistan Peoples Party. Already the main targets of militant violence, both parties were hesitant to field female candidates during the 2013 general elections, fearing retaliation.⁹⁹ Acceding also to local male elites' preferences, almost all major parties agreed to bar women from voting in Lower and Upper Dir districts, Malakand district, and other conservative KPK constituencies. In Upper Dir, male provincial assembly candidates even warned that any violator of the agreement would be fined ten million rupees (some \$100,000 at the time), which would be paid to a *jirga*. Denied a place on any political party's ticket, a woman opted to stand as an independent candidate in Lower Dir; she was also the only woman to cast a vote in her union council.¹⁰⁰

Subsequent electoral reforms have helped redress such injustices, at least somewhat. Under the 2017 Elections Act, an election is invalid if female voter turnout is less than 10 per cent in a constituency.¹⁰¹ Days before the July 2018 polls, the Election Commission of Pakistan announced that anyone trying to prevent women from voting could face three years' imprisonment and a 100,000 rupee (\$645) fine.¹⁰² Female voter registration has also risen considerably after FATA and PATA's merger into KPK; 66 per cent more women were registered as voters for the 2018 polls than in 2013. But a 20 per cent difference between male and female voter registration still reflects a sizeable gender gap.

The 2017 Electoral Law also requires parties to nominate women candidates for 5 per cent of the directly elected seats in the National Assembly and provincial legislatures. Parties, however, have largely put women's names forward in constituencies where they have little chance of winning.¹⁰³ In the 2018 elections, only eight of 172 women candidates were directly elected to the National Assembly, compared to nine

⁹⁸ Crisis Group interviews, women rights activists, KPK, February-April 2021.

⁹⁹ Crisis Group interviews, politicians, Peshawar, February-March 2021.

¹⁰⁰ Crisis Group Report, *Women, Conflict and Violence in Pakistan*, op. cit.

¹⁰¹ "If the turnout of women voters is less than ten percent of the total votes polled in a constituency, the [Election] Commission may presume that the women voters have been restrained through an agreement from casting their votes and may declare, polling at one or more polling stations or election in the whole constituency, void". Clause 9, Chapter II, Elections Act, 2017.

¹⁰² "ECP declares severe consequences if women barred from voting", *The News*, 23 July 2018.

¹⁰³ Mainstream political parties did put up 182 women candidates for direct seats in the 2018 elections – 5 per cent of the minimum quota – but only 15 were elected. Ahsan Kamray, "For women in politics, Pakistan still lags behind", *The Express Tribune*, 15 September 2020.

in 2013 and sixteen in 2008. This trend seems at least partly attributable to challenges to women's political participation not just in KPK but also countrywide.¹⁰⁴

In July 2019, as required by the 25th amendment, elections were held for sixteen KPK assembly seats in the former FATA; four reserved seats were also added for women in the tribal districts. Female voter turnout was uneven, reflecting security, logistical, cultural and other constraints. In Parachinar, female turnout was 45 per cent; in one Khyber constituency, it was only around 17 per cent because militants had made threats against women voting.¹⁰⁵

Overall, these elections symbolised the former FATA's inclusion in Pakistani politics as well as the beginnings of enfranchisement of women in the tribal belt, but enormous challenges remain. The ANP fielded a woman, Naheed Afridi, in Khyber district for the July polls. The sole female candidate for a directly elected seat, she was harassed and even faced death threats.¹⁰⁶ Though she lost, Afridi broke a barrier for women by standing for election. By also contesting a directly elected seat, a close associate said, "she learned first-hand how constituency politics is done".¹⁰⁷

C. *Economic Challenges*

On the whole, women, and men, in the tribal belt will understandably judge the success of the tribal areas' merger into KPK first and foremost in sheer economic terms. Here the jury is out. KPK's official unemployment rate has consistently been between 7 and 8 per cent higher than that in other provinces; the tribal districts fare even poorer.¹⁰⁸ Local needs are immense. For everything but the most basic services, residents have to go to Peshawar or other nearby urban areas – even for medicines. The federal and KPK governments have made commitments to the tribal districts' economic uplift. Thus far, however, there is little to show for the pledges, now abandoned and replaced with new ones.¹⁰⁹ Nor have women from the region been consulted in devising development plans for the former FATA.

Women in the tribal belt face the compounded challenges of being a neglected demographic in a neglected region. Limited access to employment and education poses major hurdles to women's economic empowerment. While women in the tribal districts can avail themselves of microfinance schemes provided by government-

¹⁰⁴ See "Final Report: General Elections, 25 July 2018," European Union Election Observation Mission to the Islamic Republic of Pakistan, October 2018.

¹⁰⁵ "With sizeable turnouts, ex-FATA women dispel 'myths'", *The Express Tribune*, 22 July 2019.

¹⁰⁶ "Naheed Afridi: First woman to contest election from Khyber", *The Nation*, 14 July 2019.

¹⁰⁷ Crisis Group interview, Peshawar, March 2021.

¹⁰⁸ "Employment Trends, 2018", Pakistan Bureau of Statistics, March 2019.

¹⁰⁹ A "ten-year plan" was unveiled in March 2019 that replaced an earlier "sustainable development plan". At the time of the merger, the federal government committed to allocating 3 per cent of the National Finance Commission award (the annual outlay of federal divisible funds to the four provinces, based on a formula that was last set in 2009), amounting to 108 billion rupees (around \$700 million) in the fiscal year it was proposed (2017-2018). The 3 per cent figure would have involved the other provinces agreeing to sacrifice part of their awards for the former FATA's uplift. Subsequently, a "special package" of 100 billion rupees (around \$650 million) was devised to be allocated annually over ten years. These development plans were made without consulting women from the tribal belt. Crisis Group interviews, academics and NGO directors, Islamabad and Peshawar, March-April 2021.

owned banks and not-for-profit microcredit institutions, high interest rates – above 30 per cent in some cases – often aggravate rather than ameliorate poverty.¹¹⁰

With few economic opportunities available to them, property ownership is a particularly critical safeguard of women's economic security in the tribal belt. Land ownership in FATA was mostly collective and based on tribal affiliation, meaning that there were usually no official records. Despite the informal nature of land ownership, there were clear, broadly accepted understandings within tribes about the specific rights of families or subgroups to particular properties. Nevertheless, informal ownership and disputed demarcations have resulted in decades-long violent disputes over land within and between tribes.

As a result of FATA's merger with KPK, land settlement – converting informal/collective to formal/individual ownership – now falls under KPK's Land Revenue Act of 1967 (as amended in 2014). Assistant commissioners, the third most senior administrators in each district, now have responsibility to demarcate land boundaries in the tribal districts. Given the high stakes, formalising land ownership will likely yield corruption (as in the rest of Pakistan) and conflict.¹¹¹ Any positive effects of the new legal regime will depend on the extent to which it is enforced. Yet notwithstanding risks and potential divisiveness, land settlement in the former FATA could prove highly consequential, even revolutionary, for women's economic mobility.

Islamic inheritance laws guarantee a woman's right to a portion (though smaller than her brothers) of her parents' property. Male relatives often defraud or coerce women into renouncing their claims, often backed by *jirga* decisions.¹¹² The 2019 Khyber Pakhtunkhwa Enforcement of Women's Property Rights Act, which now applies to the former FATA, aims at protecting women from violations of their inheritance rights, including by simplifying and expediting property disputes involving women in court. The law also empowers the ombudsman under the aforementioned harassment law to redress women's complaints in land disputes. That law will, however, fail to protect women's property and inheritance rights unless women are aware of the new legal protections available to them.

¹¹⁰ Crisis Group interviews, KPK officials and activists, April 2021.

¹¹¹ "Mohmand-Charsadda feud: Peshawar commissioner asked to stay out", *The Express Tribune*, 25 January 2019. Prime agricultural land in Mohmand became part of Charsadda when Mohmand's boundaries were changed in the 1990s. The boundary remains contested.

¹¹² See Matthew Nelson, *In the Shadow of Shari'ah: Islam, Islamic Law and Democracy in Pakistan* (London, 2011).

VI. Moving toward a Bolder Agenda

Many women in Pakistan view peace, an expert on peacebuilding initiatives observed, not just as “the absence of armed conflict, but as a linked system of social networks, safety for children and women, free mobility, protection of rights, inclusion and safety in decision-making”.¹¹³ For women in the tribal belt – many of whom helped limit militant penetration of their communities and advocated for comprehensive political reform – personal safety, access to justice, and social, political and economic empowerment are indeed often regarded as essential prerequisites for peace. Yet those fundamentals are simply lacking, denying these women the rights that are their due, and impeding their valuable contributions to state-building and peacemaking. National, provincial and local authorities, working with donors, can help improve this situation.

A. *Providing Justice and Security to Erstwhile FATA's Women*

1. The role of lawyers

FATA's merger with KPK involves building the formal rule of law sector in the former from scratch, a daunting exercise but also a major opportunity to incorporate gender sensitivity at the onset. Advancing and protecting women's legal and constitutional rights should be an essential component of such reform, although it could be among the most challenging.

A legal community will have to be built to steer the erstwhile FATA from informal to formal justice. Promoting the inclusion of a strong cadre of women among these lawyers can help ensure that women's perspectives are present to guide the pioneering work that must be done to address the legacy of an oppressive, patriarchal order in the tribal districts. Assembling a sizeable body of female lawyers in these areas – few are working there now – will not be easy. Yet many social and cultural taboos around gender have already been challenged and other barriers to entry can be overcome.

Even before the 25th Amendment, women lawyers from FATA appeared regularly in the Peshawar-based FATA tribunal, the KPK government's three-member appellate body, authorised to review political agents' judicial decisions. The federal and provincial governments, philanthropic and educational institutions, and international donors should, through mechanisms to promote women's participation in law schools, research and education grants, and other financial support, create both the opportunities and the incentives for women to pursue legal careers in the region. The Peshawar High Court bar association and its KPK district counterparts should help shape the legal reform agenda of women lawyers from the merged districts. The Peshawar High Court should make similarly concerted efforts to elevate qualified women lawyers from the tribal districts to the bench.

The judiciary, particularly the Peshawar High Court, has taken some steps to check arbitrary state actions in KPK's conflict-hit zones. The Court's October 2019 ruling that deemed KPK's Actions (in Aid of Civil Power) Ordinance unconstitutional is particularly significant. The federal government should withdraw its appeal of the ruling. If it fails to do so, the Supreme Court should resume hearings on the case as soon as possible.

¹¹³ Nikhat Sattar, “Missing women”, *Dawn*, 7 May 2021.

2. Policing

There is an urgent need to pick up the pace of police reform in the former FATA if militancy is to be kept in check and the region's fragile peace buttressed. Only a professional force can contain militancy and thus provide safety and security to local women. Reform also requires rethinking the unconditional large-scale absorption of irregular tribal units that is under way, as a police force thus constituted will hinder women's ability to seek police protection and to report crimes.

Gender-sensitive policing is particularly essential to protecting women in the merged districts from crime and safeguarding their rights. The police should enforce national laws against gender-based violence that now extend to the former FATA, rejecting justifications often made on cultural or social grounds. To help ensure that local women feel comfortable reporting such crimes, the KPK force should recruit female officers to whom they can turn. The KPK government should set quotas for female recruitment from each tribal district in the regular police force.¹¹⁴

As elsewhere in Pakistan, where women constitute only 1.5 per cent of the combined national and provincial police forces, there is a risk that women officers in the tribal district could be relegated to desk jobs or menial tasks such as body searches of women. As the KPK police force recruits women for the tribal regions and elsewhere in the province, it should empower them to lead the transition to more gender-sensitive policing. Authorising them to become first responders in gender-based violence cases, with the required training, could be an effective starting point.¹¹⁵ Beyond supporting victims of gender-based violence, they should also be trained and assigned to investigate such crimes. Donors, including the European Union, U.S. and UK, already engaged in police capacity-building programs should assist the provincial police force in providing such training.

Women police officers will likely face challenges to their authority in the socially conservative region; yet local activists believe that the public can be brought around, notwithstanding patriarchal traditions and attitudes. "The lack of acceptance is not insurmountable", said a female NGO leader. "If a woman officer is seen as responsible and responsive, she will gain community support".¹¹⁶

Kurram has already set up the tribal districts' first women police reporting centre at its district headquarters, Parachinar. Kurram's district police officer described the centre, which had fourteen women police officials at the time of its inauguration, as a pilot project. If the project works, he said, it could be replicated in other tribal districts.¹¹⁷ The centre is already a success story with scores of women in Parachinar registering complaints against husbands or male relatives, who have been charged with abuse and other crimes.¹¹⁸

¹¹⁴ Even before the 25th constitutional amendment, local activists had demanded the appointment of not just male but also female descendants as *khasadars*. Crisis Group interview, former FATA representative to the National Commission on the Status of Women, Islamabad, February 2021.

¹¹⁵ Such efforts are also under way in Balochistan, where women face similar barriers to participating in public life. See "Female officers step into the frontlines as first responders in Pakistan", UN Office on Drugs and Crime, 26 April 2021.

¹¹⁶ Crisis Group interview, Mariam Bibi, Peshawar, March 2021.

¹¹⁷ Crisis Group telephone interview, March 2021.

¹¹⁸ "First female center in tribal areas gives women hope for justice", *The Frontier Post*, 11 May 2020.

B. *Inclusive Politics*

The Election Act of 2017 and other state measures to encourage women to vote and to stand for public office are a step in the right direction. The election commission should strictly enforce the 10 per cent minimal women's voter turnout threshold in every constituency, declining to certify results where it has not been met. Yet women in the former FATA will still confront other barriers in exercising their right of franchise. As noted above, a computerised national identity card is needed to register as a voter; the proportion of women in the tribal districts who have these cards remains low, ranging, according to KPK officials, from 30 to 50 per cent.¹¹⁹ Earlier registration drives by the National Database and Registration Authority, supported by UN Women, have helped significantly expand identity card coverage among women in the tribal belt; another aggressive campaign is needed.

While all political parties should lend their support, there is little hope the more traditional and conservative of them will do so. The onus is therefore on the avowedly liberal ones, such as the ANP and Pakistan Peoples Party (which stand to gain the most from mobilising female voters in KPK's north west) to assist women in acquiring the identity cards. Instead of attempting to appease conservative elites, or giving in to fear of a militant backlash, concerns that are probably overblown, these parties should encourage female voter turnout and field women candidates from the tribal belt for both reserved and directly elected seats in the KPK and federal parliaments.

Female party workers contend that the biggest hurdle to women's participation as candidates in future polls might not be cultural or ideological, but financial.¹²⁰ In the absence of party financing, candidates either fund their own campaigns or seek contributions from business and other special interests. Generally, lacking both the economic means and the contacts to fill their own campaign coffers, women in the tribal districts will remain at a disadvantage in contesting provincial and general elections. Political parties should plug that financial gap as a step toward more diverse, inclusive and representative government.

Political parties and civil society groups such as the Pashtun Tahafuz Movement should also recognise the importance of explicitly raising the unique challenges to women's empowerment – political, social and economic – in the former FATA. They should base their women's' rights agendas upon consultation and dialogue with women from the tribal belt.

C. *Economic Empowerment*

Women in the tribal belt should be given a voice as the federal and KPK governments forge development plans for the region. Their economic empowerment also requires targeted support from the government and donors for access to education and employment, as well as legal protections of property and inheritance rights.

With rising demand for girls' education, the government and donors should expand support for girls' schooling and training programs for female teachers. The health

¹¹⁹ A computerised national identity card is also required for access to financial assistance earmarked for women, such as the federal government's Ehsaas program, the renamed Benazir Income Support Program. Crisis Group interviews, Islamabad and Peshawar, April 2021.

¹²⁰ Crisis Group interviews, political workers in former FATA, KPK, April 2021.

sector should also be a priority, with educational grants for and professional training of female doctors and nurses from the tribal belt. Given the pressing needs, women doctors, nurses and other health workers would find broad acceptance even in more conservative areas.¹²¹ The government, banks and not-for-profits should also expand women's access to microfinance schemes by considerably lowering interest rates or providing interest-free alternatives.

Since property ownership is a particularly critical safeguard of women's economic security, the KPK government should protect their claims to property while converting informal/collective to formal/individual land ownership in the former FATA. The enforcement of the 2019 Khyber Pakhtunkhwa Enforcement of Women's Property Rights Act could protect women from violations of their inheritance rights by expediting property disputes in courts and by empowering the ombudsman under the harassment law to redress women's complaints in disagreements over land or inheritance. Enforcing those laws will, among other things, require raising tribal women's awareness of their property and inheritance rights, a task in which attorneys, NGOs and civil society groups like the Pashtun Tahafuz Movement could play an important role.

¹²¹ Crisis Group interviews, activists and, NGO leaders, Peshawar, February-March 2021.

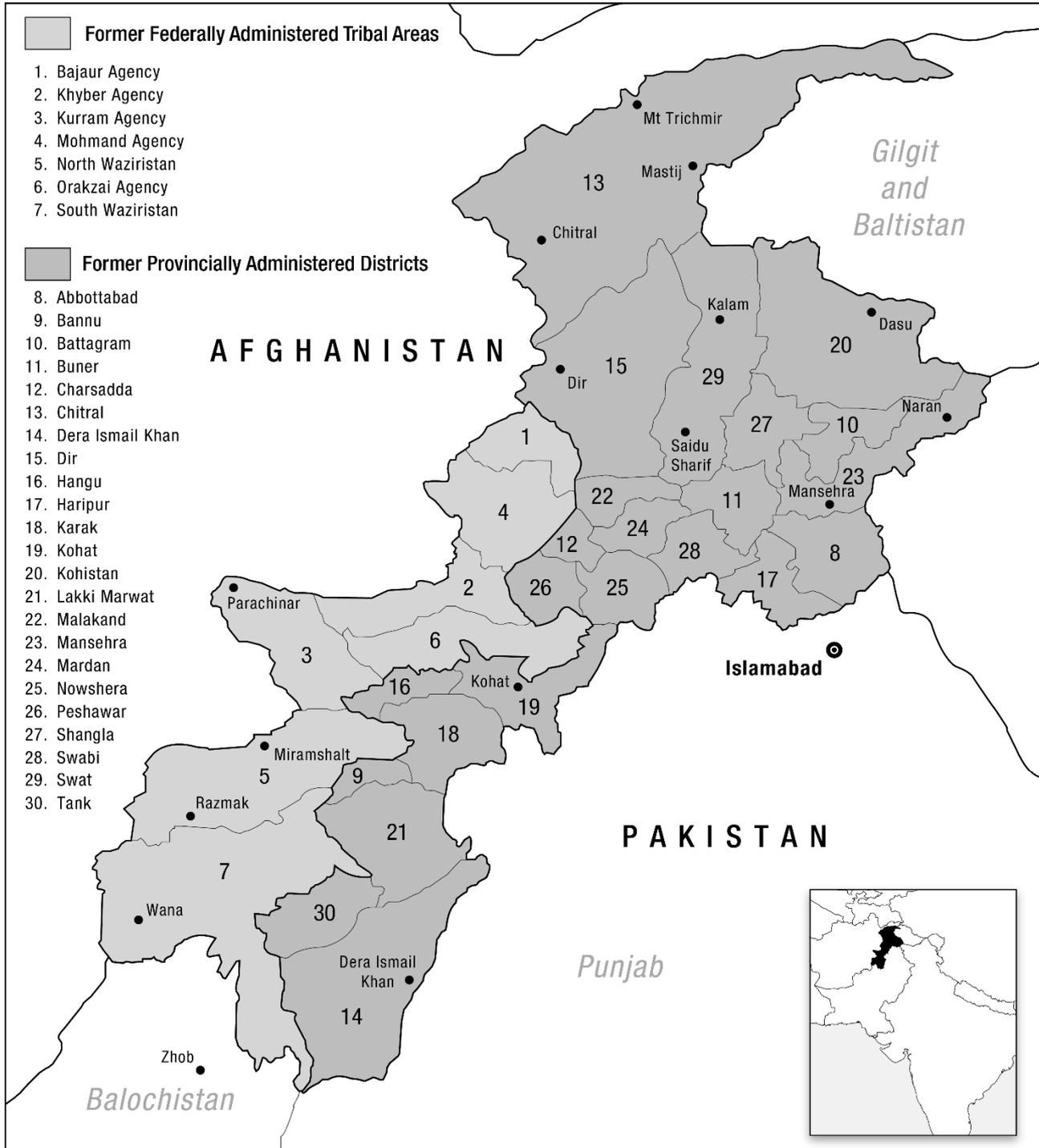
VII. Conclusion

The 25th amendment was parliament's most considered and necessary measure for stabilising the tribal belt, and women are among those who stand to gain the most from it – socially, economically and politically. Yet the reforms that it set in motion are very much a work in progress, and they face vigorous pushback from those who see themselves as potential losers should change in fact occur – particularly the male tribal elite, but also local officials. The military, too, is angered by local social activists' efforts, in which women have actively participated, to question its actions in what it once treated as a no-man's land.

Just how far these reforms can go in facilitating the long overdue empowerment of the tribal belt's women – including the activists and peacemakers whose capacity to contribute to civic and political life has been hemmed in by law and tradition – is still an open question. But even as the *maliks* battle the prospect of change, there is reason to hope. Many taboos and norms around gender in the north west have already been challenged in recent years, suggesting that culture may not endure as a credible pretext for eschewing measures to promote and protect women's rights. To the extent that women therefore find greater opportunities to contribute to peace and stability in an area that has seen too little of both, this news should be welcome to them and to everyone in the region.

Islamabad/Brussels, 14 February 2022

Appendix A: Map of Former FATA and Former PATA



Appendix B: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by President & CEO of the Fiore Group and Founder of the Radcliffe Foundation, Frank Giustra, as well as by former Foreign Minister of Argentina and Chef de Cabinet to the United Nations Secretary-General, Susana Malcorra.

Comfort Ero was appointed Crisis Group's President & CEO in December 2021. Ero first joined Crisis Group as West Africa Project Director in 2001 and later rose to become Africa Program Director and Interim Vice President. In between her two tenures at Crisis Group, she worked for the International Centre for Transitional Justice and the Special Representative of the Secretary-General, UN Mission in Liberia.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Addis Ababa, Bahrain, Baku, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Jerusalem, Johannesburg, Juba, Kabul, Kiev, Manila, Mexico City, Moscow, Seoul, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

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February 2022

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