



**Responding to displacement and enduring protection challenges for
returnees in Khyber Pakhtunkhwa and FATA**

Protection Cluster Report: April – July 2016

August 2016

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ACRONYMS

IDPs	Internally Displaced Persons
GBV	Gender Based Violence
KP	Khyber Pakhtunkhwa
FATA	Federally Administered Tribal Areas (FATA)
NADRA	National Database and Registration Authority
	FRs Frontier Regions
CCCM	Camp Coordination and Camp Management
WASH	Water Sanitation and Hygiene
NFIs	Non Food Items
CNIC	Computerized National Identity Card
TDP	Temporary Displaced Persons
RRU	Return and Reconstruction Unit
UNHCR	United Nations High Commissioner for Refugees
USD	United States Dollar
HCT	Humanitarian Country Team
PHF	Pakistan Humanitarian Forum
UN	United Nations
HC	Humanitarian Coordinator
FDMA	FATA Disaster Management Authority
RIS	Return Intention Survey
IRC	International Rescue Committee
IVAP	Vulnerability Assessment Profiling
FCR	Frontier Crimes Regulations
PATA	Provincial Administered Tribal Areas
GRM	Grievance Redress Mechanism
SoPs	Standard Operating Procedures
ID	Individual Identification
CERD	Center of Excellence for Rural Development
EHSAR	Education Health Social Awareness and Rehabilitation F
NRC	Norwegian Refugee Council
HRDSF	Health and Rural Development Services
TKF	Tameer Khaleeq Foundation
PREPARED	Pakistan Rural Initiative for Emergency Preparedness Response & Development
NOC	No Objection Certificates

1. Introduction

Since June 2015, the government of Pakistan took a decision to return Internally Displaced Persons (IDPs) to their areas of origin by November 2016. Encouraging signs, such as the de-notification of areas and provision of the unconditional cash grant to returnees, indicated the possibility for improvement of security and stability in the areas of origins.

However, some displaced persons have are waiting for the de-notification of the areas of origin. In the meantime, while the government has made progress in the rehabilitation in the areas of origins, conditions in some regions remain precarious.

Many returnees continue to be excluded in the return assistance, as they lack basic civil documentation that is required to receive the government return financial assistance. More than 140, 000 families have returned. The report asserts why, if adequate return assistance package and rehabilitation programs are slower implemented than the pace of return, the most vulnerable will be further marginalised.

The report notes how IDPs who missed the registration process discussed in detail has restricted access to return assistance to a significant number of returning IDPs, in particular, vulnerable families including, female head of households and their children excluded from return assistance. To illustrate the patterns of exclusion from the assistance of some vulnerable groups, the report discusses the process of registration, verification and de-registration and their linkage to structural protection issues that have been exacerbated by the conflict.

To disrupt, and eventually reduce the exclusion of exclusion from return assistance, the government, and humanitarian actors should double efforts to include the most vulnerable. A way forward to realize this in part is addressed in the report's recommendations, detailed more fully in the paper itself:

1. Government to consider the option for including genuine IDPs in return cash assistance to prevent a sense of exclusion within communities, and authorise more access in areas of return to non-governmental organisations.
2. Donor to increase funding to expand legal assistance to vulnerable returning IDPs to resolve access to civil documentation and subsequent return assistance to vulnerable unregistered IDPs, and enhance child protection, and Gender Based Violence (GBV) in local communities, in particular women and children.
3. Ensure a closer collaboration and linked between humanitarian and development-related works in areas of return to enhance rehabilitation/reconstruction process.

2. Context

Conflict and military operation

The root causes of conflict-related forced displacement in Pakistan could be traced back to 2009 government security and military operation in Khyber Pakhtunkhwa (KP) and Federally Administered Tribal Areas (FATA). The loss of livelihood and significant damages made to infrastructure and services triggered a massive new displacement of 907,000 in 2014, compared to 3 million who were already displaced since 2009. The security crisis affected IDPs, poor and vulnerable families who stayed behind. From the beginning of the crisis until June 2016 the National Database and Registration Authority (NADRA) has registered and verified 210,714 displaced families who have returned to North Waziristan, South Waziristan, Khyber, Kurram, and Orakzai. This number of IDPs does not include an estimated significant number of 117,508 IDPs who have returned to those areas but were unregistered during the period of the displacement.

The majority of IDPs are from FATA. The region of FATA is located along Pakistan's border with Afghanistan. It comprises seven agencies (Bajaur, Khyber, Kurram, Mohmand, North Waziristan, Orakzai and South Waziristan) and comprises six Frontier Regions (FRs) of Bannu, Dera Ismail Kahn, Kohat, Lakki, Peshawar, and Tank. According to the 1998 census, the FATA population was estimated at 3.18 million and is currently estimated to have increased to 4.6 million¹. The prevalence of years of insecurity and poverty in this region continued to weaken legal and institutional reforms introduced by the government. Insecurity environment and governance issues have intensified the persistence of marginalization, inequity and continue to undermine access to basic services (e.g. water, health, and education) and livelihood opportunities for the large number of the population, including returnees.

Overview & patterns of internal displacement in KP and FATA

The root causes of displacement of persons in the provinces of KP and FATA is conflict, such as the military operation and sectarian violence. At the pick of the displacement in 2014, the number of registered IDPs in FATA was estimated at about 1.4 million².

In June 2014, additional 340,000 families, about 2 million people were IDPs, among which a vast majority or 70 % were women and children. While a small number (about 5%) of IDPs lived in the formal camps established and were supported by the government and humanitarian actors, a vast majority of the IDPs resided in host communities in the bordering province of Khyber Pakhtunkhwa. The IDPs in host

¹ Statistical estimated of population size are often contradictory. The 4.6 million is based on often-used baseline for humanitarian planning. For more details on issues of statistics in Pakistan, see Civil Secretariat FATA Sustainable Development Plan 2007-2015. http://urban.unhabitat.org.pk/Portals/0/Portal_Contents/FATA/Land%20Kotal/FATA%20Sustainable%20Dev%20Plan%202007-2015.pdf. Accessed on 20/07/2016.

² See IDMC, Pakistan IDP figure analysis <http://www.internal-displacement.org/south-and-south-east-asia/pakistan/figures-analysis> UNHCR FACT Sheet. Accessed 23/07/2016

communities in KP increased pressure to the already insufficient services such as health, water, and education (see Annex 1: IDP Fact Sheet). The vast majority of these IDPs live in host communities. Currently, about 97 families remain in Jalozai camp.

Spontaneous Settlement

There is also a significant number of IDPs in spontaneous settlements. In June 2014, after the start of the security operation against non-state actors, about 103,000 families from North Waziristan became displaced. A small district of Bannu received around 85,000 IDPs, which economic, basic services, infrastructure heavily impacted by the lack of absorption capacity following the displacement. The most majority of these displaced population live in host communities. However, tensions between IDPs and community in Bannu have risen³.

The spontaneous settlement on the main Bannu link road is a set of 13 settlements of IDPs of North Waziristan Agency. Currently 2,654 families (as per recent survey by Camp Coordination and Camp Management (CCCM) cluster and protection cluster partners) are living in makeshifts, tented shelters. These settlements comprise of several small sub-clusters on both side of link road scattered on vast area. There are 2,654 families (12,354 individuals: 7,311 male and 5,043 female) living in the spontaneous settlements in Tehsil Bannu. Of this number, 4,013 are boys under the age of 12, and 1,648 are girls. In addition, out of the 2,564 families profiled, 231 were female-headed (9%). Among these 957 families living recently returned from Afghanistan. These families fled to Afghanistan during the crisis in North Waziristan Agency in June 2014. The majority of the displaced families are from Datta Khel, Ghulam Khan and Miransha tehsils of North Waziristan Agency, and the de-notification of these tehsils is still pending, hence return has not yet started.

The main issues in these settlements are: poor WASH facilities, with lack of latrine and sewage system. While, there are health and education facilities near the settlement, the protection cluster and CCCM reported the lack of awareness about education and health issues among this group of IDPs.

³ IOM (2016) Profiling of IDP living in spontaneous settlement in Bannu, January/February 2016.

3. Registration, Verification of IDPs and Return Assistance

Exclusive registration and verification process

There are two categories of returnees who are not receiving assistance as a result of the registration process. The first group consist of a large number of IDPs who have never been registered. According to the government figure by the end of June 2016, there are 117,508 unregistered IDPs. While these families have received some humanitarian assistance in displacement areas such as one time NFIs, they did not receive the monthly food ration. The government estimates the figure of unregistered IDPs to 117,508 families. The significance of the unregistered family is also highlighted by the Internally Displaced Persons Vulnerability Assessment & Profiling (IVAP), which found that among the 137,000 IDPs in its database in KP and FATA, half of these IDPs are unregistered.

The unregistered caseload of IDPs comprises displaced families who lacked the Computerized National Identity Card (CNIC) during registration period or those whose identity documents (CNICs) contained erroneous information such as duplicate family number, family tree, such as and female head household in FATA who lack CNIC. During registration, IDPs were required by NADRA to present their CNICs. However, some IDPs had either never had CNICs, in particular women and children or had lost them during displacement. Many women were unregistered, and household headed by women, or whose husbands have stayed behind and have not always been able to register. Furthermore, while once an area was notified the entire population was asked to move out and no one was allowed to stay, it is was also reported that at the beginning of the conflict, that some families were trapped, or tribal leader opposed NADRA's female registration. The other reasons of non-registration were the limited time for the registration. These women include widows, and other whose husbands (head of household) lives abroad or in other provinces (e.g. Karachi) and were not present at the time of IDP registration have not been eligible or were not available during registration. The existing assessment and report suggest the existence of a significant number of unregistered IDPs.

The second category of IDPs and returnees receiving minimal assistance comprises of registered but have not been verified by NADRA. The government estimates their number at 126,105. Among those, the inter-cluster assessment in South Waziristan identified approximately 25,000 families registered and verified by NADRA in the second round of registration but have received any return assistance. This group of non-verified IDPs by NADRA, has also received a limited humanitarian assistance (see Annex 5: on return assistance to verified and non-verified IDPs) and are not included in the government financial assistance for return.

Return Assistance

With the government decision to conclude security operation in areas of origins, a gradual return of IDPs started and continues to happen in 2016. However, this return is going on in IDPs' areas of origin that have suffered significant losses, including damages in infrastructures for essential services, such as livelihood, health, WASH, and education. To promote return, the government has set up return assistance package to promote return, as established by FATA 'Return Policy Frameworks'.⁴ This return framework is aimed at ensuring a voluntary, safe and dignified return of IDPs. Before return, the government has to make sure that the areas of origin have been de-notified, and the political administration is reinstated. Furthermore, the return framework established that the government would reach an agreement with the tribal elders and sub-tribes of IDPs, in which IDPs agree to conform to and promote a peaceful return. Following consultation with tribal leaders, the government releases a public announcement of the proposed return plan. The return process messages contain information about a final date for return, plan for return (e.g. transportation, embarkation points) and timeline. The announcement is communicated to IDPs who wish to return, through radio, TV, mobile phone and local organisations to inform IDPs about the proposed plans for returns.

IDPs have been receiving financial assistance from the government and in-kind support from the humanitarian actors. From the government assistance, and as part of the Emergency Recovery Package for Temporary Displaced Persons (TDPs), the government provides an unconditional cash grant to displaced families from FATA and a conditional cash grant to both IDPs and other affected population/non-displaced persons.

- 1) One-time unconditional cash grant to each returning IDP family of 35,000 Rupee (USD 350) to cover transportation 10,000 Rupee) and subsistence allowance (25,000, Rupee)⁵.
- 2) A livelihood Support Grant of USD 160 per family in four monthly installments of USD 40⁶.
- 3) Promotion of child health in selected areas of FATA for IDPs and other affected population who bring children to health facilities for regular check-ups. Each family is given USD 75 in three installments of USD 25. This grant targets families with children aged 0-24 months in four pilot OSSs through promotion

⁴ FATA Sustainable Return & Rehabilitation Strategy- 2015

⁵ To support the return of displacement population in FATA, the government of Pakistan has established cash grant under FATA Sustainable Return and Rehabilitation Strategy of 2015, and FATA Temporary Displaced Persons Emergency Recovery Project. The policy establishes criteria to be eligible for its unconditional cash grant to returning displaced families. Designed to be complementary interventions in facilitating the early recovery of displaced population under the FATA Return and Rehabilitation strategy, these cash grants are unconditional.

⁶ This grant only started in June/July in South Waziristan and North Waziristan agencies

of health awareness and counselling, screening for children for malnutrition, and immunization programs⁷.

- 4) Housing subsidy (namely Citizens Loss and Compensation under Return Reconstruction Unit (RRU) of FATA, which provided 400,000, Rupee (USD 4,000) for each fully damaged house and 160,000 Rupee (USD 1,600) for a partially destroyed home⁸.

The humanitarian assistance for returnees include:

- 1) 6 food ration/basket issued by WFP to only registered and verified by NADRA
- 2) Shelter/NFIs (i.e. tents) based on vulnerability criteria developed by the shelter cluster.

A cash grant of 20,000 Rupee per family provided by UNHCR to 2,188 registered IDP families but not verified by NADRA.

Lack of assistance to unregistered and non-verified returnees

As mentioned earlier there are a large number of unregistered IDP families. These unregistered families remain excluded from the return assistance package, such as financial and food assistance.

The exclusion from return assistance has created frustration and anger among returning unregistered IDPs, who feel that many of the registration obstacles were beyond their control and felt that they are being denied assistance.

Precisely, lack of registration can be traced to the difficulties linked to the process of registration. For example, criteria set up to be eligible to register as an IDPs could not be met by all IDPs as displaced families were allowed to register as IDPs⁹, provided that:

- The families come from a government-declared notified area,
- The head of household/family had a computerized national identity card (CNIC) or in the process of acquiring a CNIC and had a permanent as well as a temporary address to the conflict areas¹⁰.

These conditions could not be met by many of vulnerable families, including females head of households, widows, elderly, disable families, second/third wives, etc., as well as for security reason. The reasons many were unable to register are:

- IDP families do not hold any civil documentation (e.g. CNIC) that was pre-requisite for the registration.

⁷ These two cash grants were not part of the standard returns package during previous returns and have been started recently and are not part of standard return package across the board.

⁹ The criteria were discussed and agreed by the Humanitarian Country Team (HCT) including the Protection Cluster and also reflected in the Policy Strategy Meeting (Co-chaired by Humanitarian Coordinator and Chief Secretary and attended by Country/Provincial heads of key UN agencies and Chair of PHF) minutes.

¹⁰ For IDPs from Orakzai as the notified areas, having a permanent and temporary was not applicable as there was no NADRA office to conduct registration and population had to travel to Kohat/Hangu to obtain the civil documentation.

- The registration process was time-bound and limited information about the process among IDPs.
- Insecurity, including road blocks, sectarian conflict (e.g. Kurram) and pressure not to register¹¹, registration cost related to transport including detour to reach the registration centre through Afghanistan, the suicide attack at the registration centre (e.g. two back-to-back suicide attacks on one of the registration centres at Kacha Pakha in Hangu on April 17, 2010 due to which approximately 41 persons died, and about 65 got injured) created insecurity and apprehension with regard to registration.
- NADRA database did not recognize many married families members of the same family who was still appealing in the database as a nuclear family and the status of new married members of the family not changed.

While, in areas of displacement, IDPs both registered and some unregistered were assisted on humanitarian ground, the return assistance has not been provided to unregistered IDPs. Exclusion of unregistered returning IDPs families from the return financial and food assistance is being felt in areas of origin, causing distress and is affecting the social cohesion in some communities. As the grievance records demonstrate, unregistered returning IDPs have voiced their irritation and unfairness of return assistance approach that is perceived as discriminatory. The returnees have expressed feelings of unfair treatments, and feeling abandoned by humanitarian actors, in particular, protection actors who have been receiving the grievances. In some cases, frustration has led to anger that culminated into demonstration and in front of FATA Disaster Management Authority (FDMA) in July 2016, and North Waziristan in 2014 demanding that government de-notify area before the return is made and continue assistance. As protection partners have raised expectation in recording grievances, and able to resolve some of the issues (e.g. issuance of CNICs), many of these cases referred to the government in 2014 are still pending for verification. As a consequence, no assistance has been provided to these families and protection actors dealing with communities on a daily basis see their credibility slowly eroding. The frustration has led to the public demonstration in some cases (e.g. South Waziristan Agency and North Waziristan IDPs at Press Club and in front of FDMA office in Peshawar in July 2016).

Given the scale of the number of the unregistered families, more funding and capacity is needed for cluster protection partners to expand their legal assistance activities to assist families in obtaining civil documentation that is the long lasting solution to many of the problems they currently face.

¹¹ See ICG, 2009 *Keeping up with figures*, page 4, in Pakistan's IDP Crisis: Challenges and Opportunities Asia Briefing, No. 93, 3 June 2009 <https://pakistanidps.files.wordpress.com/2009/05/icg-pakistan-idps-policy-brief-june-03-2009.pdf>

Other issues relating to return are highlighted in the July 2016 Return Intention Survey (RIS)¹² of South Waziristan agency. While, 98% of the IDPs have indicated that they are willing to return when asked why they would like to return, 66% of IDPs noted that 'we have no other option/life in displacement is worse than in the area of origin.' Furthermore, 67% families are concerned about their damaged houses in the area of origin, destroyed lands/fields and the lack of livelihood opportunities. 62 % of IDPs have also reported that they require information about the return process and return packages. The following section discusses the protection ramification relating to return assistance.

The registration of IDPs has underscored protection concern of many vulnerable individuals who do not possess a CNIC. While humanitarian actors provided assistance IDPs based on the humanitarian ground including some non-registered and non-verified by NADRA, the government policy only assists to those with verified civil documentation by NADRA.

Under, inability to register as IDPs due to lack of civil documentation is preventing many genuine IDPs, in particular women to access return cash assistance and citizen compensation cash. The majority of those non-registered are women, who have never been registered and whose husband/head of household has died or is living abroad (e.g. Karachi). Others excluded from return assistance due to lack of registration, are individuals who have been registered by humanitarian actors or assisted through legal aid to access CNICs, but their verification in the NADRA remain pending.

4. Protection needs

Women and Gender Based Violence

IDPs and returning displaced women continue to be exposed to grave risks of abuse and different forms of gender-based violence. Recent displacements from FATA have affected women and girls differently from men and boys. When displaced and dislocated, women and girls often find themselves stateless and dependent on others. Women have lost their capacity to sustain their families' livelihood due to loss of seeds, livestock, and tools. Reportedly, negative coping mechanisms have had developed among the majority of the women who require structured psychosocial support and life-skills development activities. In the context of FATA, though recent displacements and conflicts have increased women protection-related concerns, however, a majority of the root causes to GBV are rooted in centuries old harmful traditional practices and the absence of law and administration of justice.

Though, gender is a cultural and social phenomenon that keeps changing with time and needs of the time KP & FATA are seen as prevalent insular and conservative cultural

¹² Return Intention Surveys are conducted and managed by the International Rescue Committee (IRC) for the protection cluster and humanitarian community in KP and FATA.

dynamics. For example, in some cases, young girls are denied to have access to school education, or either dropped out as soon they reach puberty or even before, which is also a type of gender discrimination that begins at the family level. Moreover, women and girls become dependent upon men and enjoy inferior status as a consequence of socially and culturally defined roles and responsibilities, expectation and limitations and more importantly choices.

GBV types reported during IDPs' Vulnerability Assessment Profiling (IVAP)¹³ include but are not limited to physical assault, emotional violence, child marriage, female trafficking, domestic violence, denial of health services, honour-related crimes, rape, domestic violence, unwanted pregnancy, bride burning or dowry-related crimes, etc. While efforts have been made at the national and provincial level to legislate and improve protection of women in KP and FATA, the application of the Hudood Ordinances (1979), FATA's Frontier Crimes Regulations (FCR) (1901) and the Nizam-E-Adl (2009) in KP's Provincially Administered Tribal Areas (PATA), as well the prevalence of informal justice systems continue to discriminate against women and infringe on constitutional obligation and internal commitments to gender equality¹⁴.

Child Protection

Similarly, many of the child protection preceding displacement/emergency are structural issues related to the implementation of child labour and education but have been exacerbated during forced displacement. Furthermore, there is a lack of harmonisation of the legislative framework in KP and FATA, which have not kept the federal laws on children's rights following the promulgation of the Eighteenth Amendment to the Constitution in 2010. The constitutional amendment has created problems in the coordination and devolution of power, with weak provincial entities with limited resources and capacity. In general, the existing mechanisms and other social justice structures and services in FATA have been undermined and are in weak conditions to promise any substantial role in the prevention and response to child protection concerns. Similarly, public services and institutional capacities have also remained under stress. There is a lack of public-based multi-sectoral referral services for the prevention and response of any child protection concerns.

The main identified child protection that need redress include but are not limited to issues, psychological and social distress, child suffering abuse, birth registration, child in conflict with law, early and force child marriage, missing, separated and unaccompanied children, discrimination in accessing services, of corporal punishment, the stigmatised children with disabilities are abandoned by their families but who require special cares and support, psychosocial needs related to stressed related to conflict and other hardship,

¹³ IVAP is an assessment platform managed by the International Rescue Committee in collaboration with the protection cluster. For more details see <https://www.ivap.org.pk/ADS>

¹⁴ See the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

drug abuse, sexual exploitation and abuse, and other harmful traditional practices such as *asswara*, *wani* or *budla-i-sulha*¹⁵ that are still practiced, and lack of awareness about the Criminal Law Amendment Act 2011 on the Prevention of Anti-Women Practices and Elimination of Custom of *Ghag*¹⁶ Act 2013 which criminalise the practice of forced marriage in KP.

Other Protection issues: Grievances Redress mechanisms

The Grievance Redress Mechanism (GRM) was initially established by Protection cluster in 2013-14 to resolve the grievances related to food and protection concern. Subsequently, the protection cluster in collaboration with WFP PDMA and FDMA developed the Standards Operating Procedures (SoPs) on how to redress grievances. The implementation of these SoPs worked well until the end of 2014 following the displacement of North Waziristan. During this period FDMA approached to protection cluster to extend the grievance desks to North Waziristan IDPs. However, from early 2015, FDMA stopped sharing the grievances with the protection cluster members for NADRA verification.

Since the beginning of 2015, grievances that were recorded by protection cluster members at the different food hubs and (later) embarkation points, and that were registered by UNHCR and referred to FDMA were no longer forwarded by FDMA to NADRA for verification. As NADRA verification is a prerequisite for validation of the cases, and as most of the cases were related to family tree and CNICs, news recorded cases from North Waziristan remained unresolved. According to the SoPs, all grievances related to National ID card, same family tree issues, etc. must be re-verified by NADRA to validate the claim of the IDP. To review and validate pending grievances, protection cluster members embarked on a field exercise to assess pending grievances and to close any invalid cases. Since January 2015, there are 6,890 cases validated by the cluster members but are still pending for NADRA verification¹⁷. According to FDMA, these cases have not been referred to NADRA for verification, as its validation will have a financial implication.

Type of grievances recorded

Until June 2016, a total number of 65,223 grievances were recorded by protection cluster partners (CERD, ESHAR, IRC, NRC) out of which, 47,169 are from North Waziristan. The remaining 18,054 are from other agencies of Khyber, Orakzai, Kurrum and South Waziristan. The main types of grievances consist of family tree issue, dual address, Duplicate CNIC Child Register. In total, the Grievances recorded for NWA area 47,169

¹⁵ These are traditional harmful practices Wannai, Swara or Budla-i-Sulha, in which women (girls) are traded to settle personal, family or tribal disputes.

¹⁶ Informal judicial systems (local Jirga) which takes decisions about children's lives

¹⁷ Following the protection cluster assessment 11,764 pending grievances from North Waziristan IDPs were declared invalid and closed.

in which 42,636 are resolved while the unresolved are 4,533 (see below **Figure 1:** on type of grievances in North Waziristan; and **Figure 2:** type of grievances in Khyber, Kurram, Orakzai, South Waziristan & Bajaur).

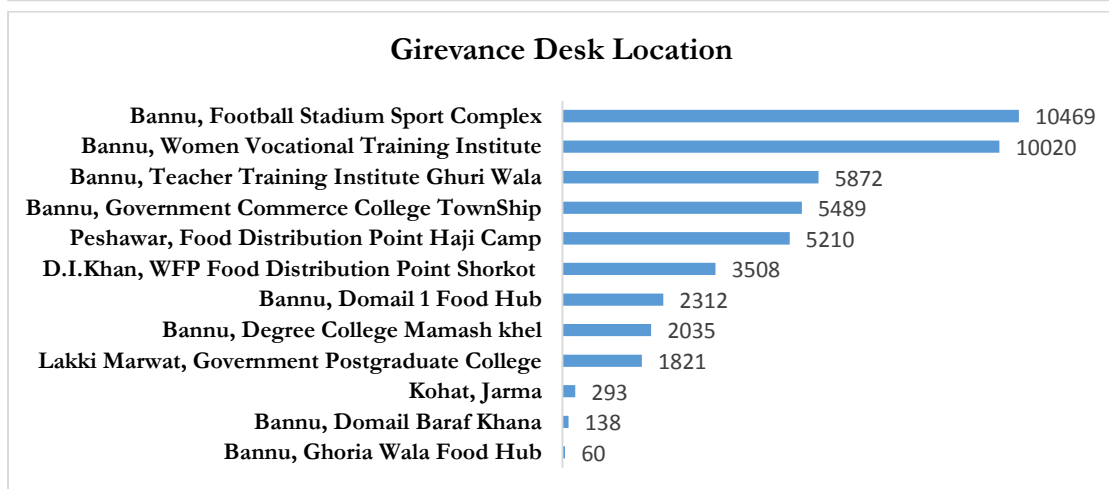
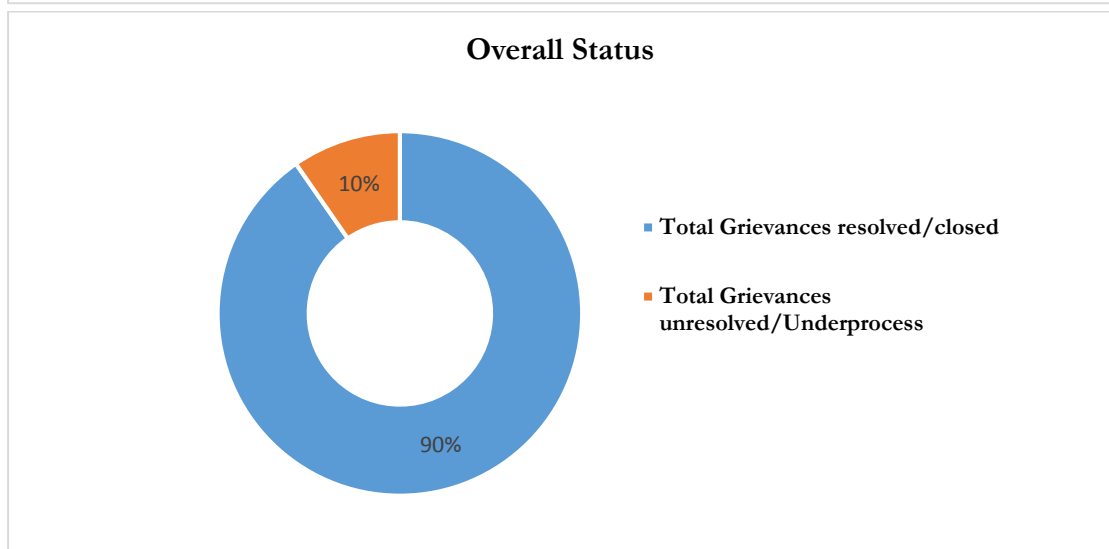
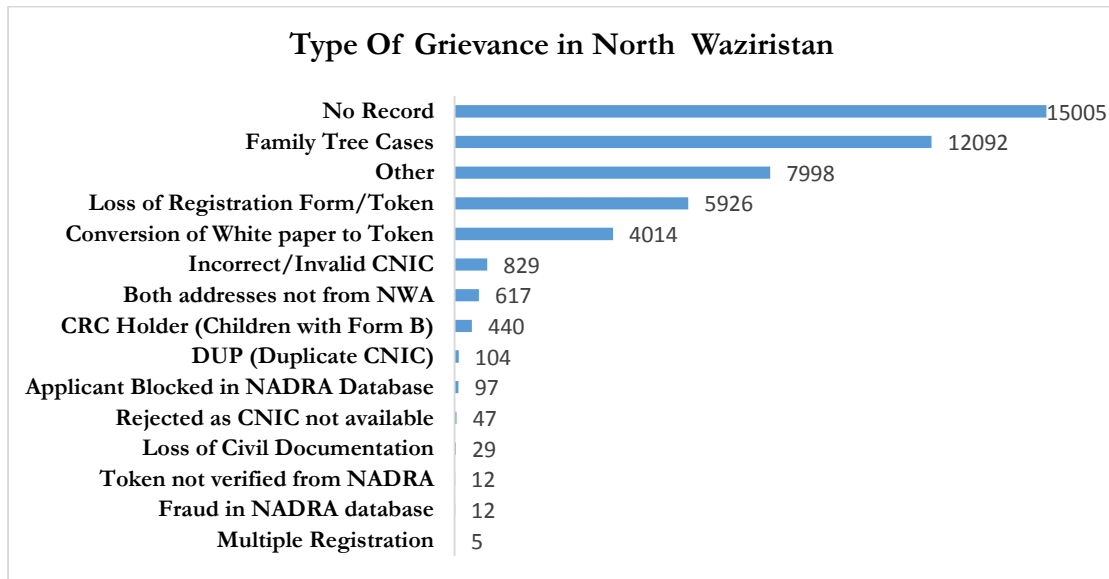


Figure 2: Type of Grievances in other agencies (Khyber, Kurram, Orakzai, South Waziristan and Bajaur)



Upholding humanitarian principle during return

While efforts continue to be made by the government to improve conditions in areas of return, in some regions (e.g. Laddha/Makeen, Shawal areas of South Waziristan Agency), there protection concerns about the conditions in returning areas. This is many due to lack of detailed planning and timely information about specific tehsils/villages where the return is envisaged. The current return process put constraints on humanitarian actors and does not allow a proper planning and timely and appropriate support to the return process. The humanitarian actors have overly compromised with a return process that contrary to the agreed return process. Based on analysis of the Returns Standard Operating Procedures' endorsed by the Humanitarian Country Team (HCT), and also in accordance with the 'Return Policy Framework for IDP from FATA' signed by FDMA, the Protection Cluster and its members viewpoint is that the government return practices does contradict the HCT agreed SoPs letter and spirit¹⁸. For instance, as various assessment and last five RIS point out

- Due to the sectarian conflict between Shia and Sunni, the security situation is not stable especially in Kurram Agency. People freedom of movement is somewhat lacking. Females, children, elderly and individuals with disabilities are more vulnerable as they still feel to be soft targets.
- While rehabilitation of health facilities continues, they are not functional, as health staffs have not been deployed.

The lack of education facilities and restriction of girls attending schools in some areas in FATA, returnees families and children are resulting in negative coping mechanism, including child labour, street children beggars. The children are, therefore exposed to all kinds of exploitation including trafficking and sale of children, child prostitution, etc.

Families, especially female head of household are not able to return to the government given time to return often limited to 2 to 4 weeks and if they return they cannot have access to return financial assistance, as they are not identified as head of household, and the process of becoming an alternate head of the family is not achievable within the given time. These families saw themselves de-registered and excluded from return assistance and related compensation.

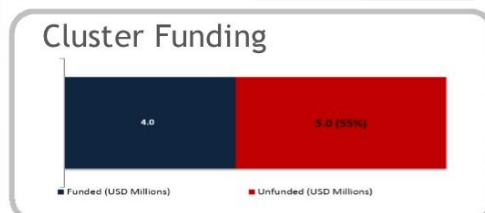
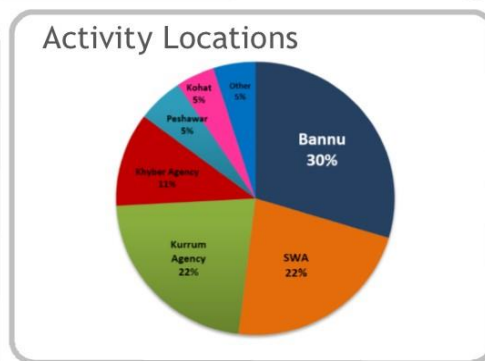
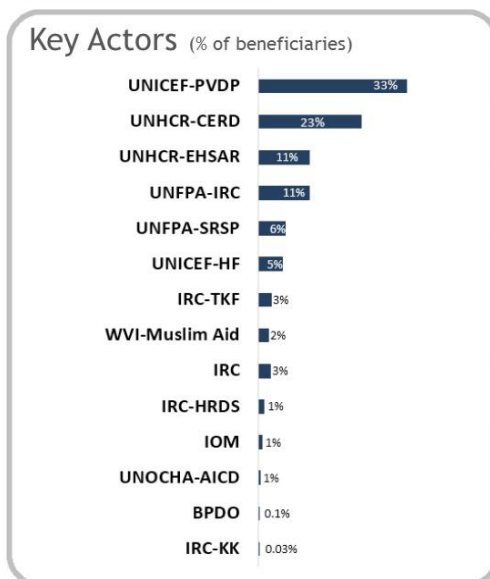
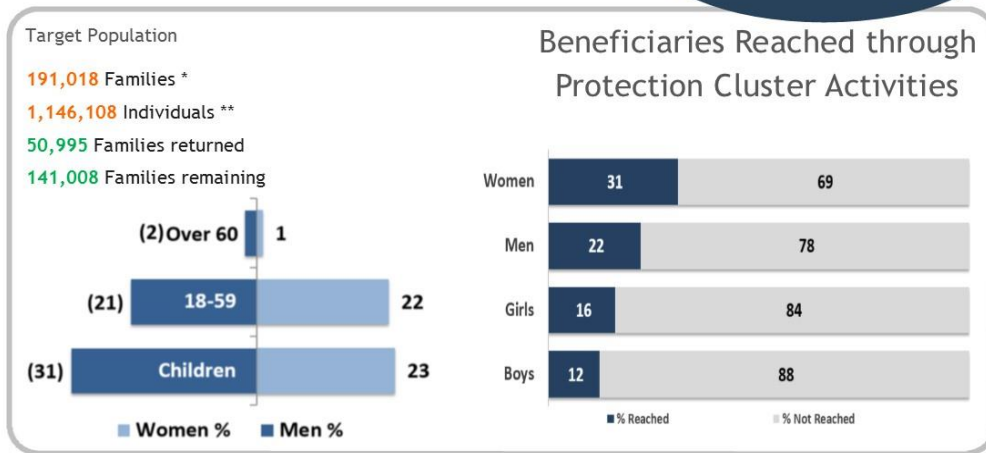
¹⁸ The government did not endorse the SoPs for Return Process, but in the Policy Strategic Meeting chaired by the Chief Secretary, the Humanitarian Coordinator reiterated the adherence of SoPs by the humanitarian community.

5. Achievements for the Protection Cluster

The protection cluster including child protection and GBV sub clusters have reached 215,461 beneficiaries or about 19% of the targeted 1,146,108 IDPs. These beneficiaries include both remaining IDPs and return (see **Figure 3:** on total number of affected IDPs reached by the protection cluster).



Total number of Conflict Affected IDPs Reached: **215,461 (19%)**



* Based on UNHCR's Fact Sheet December 2015, ** Assuming six person household as per the SRP

By June 2016, of the total protection cluster reached population, child protection activities reached 81,242 individuals (38%); GBV 39,861 (18%) and the general protection (44%) of overall protection cluster reached beneficiaries.

For Child Protection activities, 81,242 children reached for activities ranging from identification and referral of 3,022 children and women to multi-sectoral services; 2,645 sessions conducted with Child Protection Committees on issues related to child protection; 27,840 awareness on protection concerns of girls, boys and women on keeping children safe, prevention of child separation, mine risk education; recreational support to 30,895 boys and girls; Child Friendly Spaces and outreach services to 29,611 boys, girls and women; and 4,807 communities members reached on harmful traditional practices, stigma and re-integration of survivors through media and communities (**Annex 2: Child Protection reached beneficiaries & activities per agency in KP and FATA**, p. 23). 7,734 Mine Risk Education materials distributed to male and female IDPs and returnees.

For activities relating to Gender-Based Violence (GBV): 39,861 persons reached among which 12,125 reached through raising community awareness regarding their rights against any form of GBV including harmful practices, sexual exploitation and abuse; provision of health, psychosocial support, shelter, reintegration to 18,957 community members; distribution of hygiene kits and dignity kits to 4,248 girls and women; and distribution of NFIs including male awareness kits to 2,160 persons (**Annex 3: Gender Based Violence reached beneficiaries & activities per agency in KP and FATA**).

Under *general protection* activities, legal assistance services provided to 12,837 persons supported to obtain different type of legal documentation; 3,486 awareness session conducted or male and female IDPs/host communities, returnees on civil documentation, mine actions, access to services and humanitarian assistance, and 56,155 accessed grievance desks to get support relating to humanitarian assistance (**Annex 4: General Protection reached beneficiaries & activities per agency in KP and FATA**). Further protection activities included:

- *Land, Housing and Property Issues:* Information on land, housing and property rights, restitution policies and mechanism, documentation and legal aid to IDPs and returnees, referral mechanism, property repossession issues and procedures, land administration practice, secure tenure policies and practices, capacity and institution building for ad-hoc restitution mechanisms.
- *Assistance of person with disability:* 94 people with disability received assistance in transportation to access services access for special CNIC and disability certificate in Peshawar, hospital etc. 162 of a consortium partners (IRC, ACTED, HRDSF, TKF, PREPARED) received training on age, disability and inclusion minimum standards and technical guidelines for protection. 595 older people and people with disabilities from Peshawar, Kohad and Bannu were identified and assessed for urgent assistance mobility aids and psychosocial support, including 227 who received assistive devices including wheel chairs, toilet chairs, walkers, crutches etc.

6. Protection Challenges and humanitarian impact

Given the challenges faced by the protection cluster in obtaining NOCs, often as a result of the lack of understanding of local authorities of what protection means in practices, the protection cluster recognises that it needs to get better at explaining what it does.

The protection of IDPs definition aims is first, not limited to survival and physical, but covers different rights, such as civil and political rights, freedom of movement, political participation, economic, social and cultural rights¹⁹. In KP and FATA the protection responses have included different activities and responses: negotiating the right to freedom of movement, supporting returning IDPs to get proper document in order to be included in the caseload of cash assistance provided to returning IDPs, advocating for vulnerable cases (people with disability, registered but not NADRA verified families to be provided food assistance pending the verification process that sometimes take several months, and significantly assist families in particular female head of household to access civil documentations such as CNICs, birth registration for the children, tenancy agreement etc.

Secondly, protection as legal responsibility, principally of the State²⁰, protection actors have worked with the government (e.g. FDMA) to raise awareness/concern about the process of de-registration and related suspension of return related assistance for families whose areas of return remained de-notified. In Bara Khyber Agency there are 37 villages in which families were pressured by being given a limited time in which they have to return. However, upon arrival in their areas of origin, they were informed by the law enforcement authorities that they villages of origin remain de-notified or were restricted to enter their villages due to remaining military facilities/operation. As a consequence, while, in the books the returnees are de-registered, in practice they have not reached home, food assistance discontinued and they use the cash grant received not to rebuild their houses, but to maintain a secondary displacement. Similarly, Orakzai, South Waziristan, and North Waziristan have de-registered families. This situation exposes returning IDPs to depleted income (from cash grant) to rebuild their home and sustain their livelihood, by instead using the received assistance to fend off daily stress and shock in secondary displacement areas.

Finally, protection is understood as through responsive, remedial and environment building. Through responsive activities, protection cluster members have implemented activities aimed at preventing/stopping violations of rights, including ensuring vulnerable individuals, such as females head of household without CNICs receive legal assistance to navigate the bureaucratic process of accessing civil documentation to benefit return cash

¹⁹ The 2010 GPC Handbook for the Protection of IDPs (at p.7)

²⁰ Ibid.

assistance and other compensation. However, challenges remain as currently 6,000 women who through legal aid received their CNICs, their cases are pending with FDMA which has not sent the cases to NADRA for verification, thus, the inability to access return assistance.

Concerning remedial services provided by protection cluster members, they include, providing legal assistance, solar panel lights to lighted places to avoid or prevent abuse in the first place. Other activities consist of information awareness, restoration of houses, and livelihood support to survivors of Gender Based Violence such as psychosocial counselling, referral, awareness about women issues, etc. The current protection mainstreaming is taking into consideration the issues of unregistered females and their children who have not been eligible for food and cash grant, but are the most vulnerable in the society. Consultation is under way with other clusters to establish a mechanism and ensure how these vulnerable families will be included in the assistance and most importantly the prioritization of this caseload in the next humanitarian planning cycle. Another significant protection activity included an environmental building to promote and raise awareness regarding the respect for the rights, such as advocating for IDPs whose villages were not de-notified would have to be reactivated for humanitarian assistance. The protection cluster has in consultation with other cluster and the government developed and revised the following SoPs:

- De-registration process (pending HCT approval)
- HCT SoPs to support the return of IDPs in their areas of origin (2012)

Key protection challenges and impact

- Humanitarian space and access to NOCs a common problem but more complicated for protection (monitoring, presence, referral esp. areas of return)
- Funding shortfall
- Advocacy for a solution for (i) Vulnerable groups, in particular women without CNICs and not accessing cash grant for return, (ii) Impact on restriction of freedom of movement in some areas of return which weakens access to livelihood, and other services, (iii) Occupied land and houses and properties in some areas of return
- Lack of Government Counterpart in protection

Humanitarian Impact:

- Affected population such as displaced population, returnees will be left out from Humanitarian assistance
- Funding challenge, including delays in providing No Objection Certificates (NOCs) to partners' diminished confidence of donors to fund projects without access to areas of implementation of projects.
- Supported through Legal Aid and Civil Documentations (e.g. birth registration, marriage certificate, registration of displaced persons, CNICs particularly for female, tenancy agreement).

7. Recommendations

- Advocate for improved humanitarian and development access to areas of displacement and return areas in FATA in particular, including the timely issuance of NOCs for project implementation monitoring and related travel.
- Efforts to affirm at the highest level, that protection including child protection and Gender Based Violence related activities are integral part of as the soft components activities of the rule of law/governance that increase communities equity in access to essential services (e.g. livelihood, education, water, etc.), through legal aid support to access civil documents (e.g. birth registration, marriage certificate, registration of displaced persons, CNICs particularly for female, tenancy agreement etc.)
- Engage donors to secure further funding to expand activities in return areas in FATA.
- Advocacy with decision makers and other key stakeholders to recognize the life-saving nature of various child protection activities in emergencies.
- Integration of services with other humanitarian service providers to enhance the quality of child protection activities, especially in disseminating the key child protection related messages among the target audience.
- Strengthen linkages between emergency humanitarian and development programs.

In line with the HCT advocacy strategy for 2016 to follow up with the government on return SoPs letter and Spirit.

- Government: consider inclusion of verified returning and genuine unregistered IDPs who are returning in dire conditions without assistance.
 - Access: Ensure that rules and procedures that significantly affect protection actors and that facilitate the registration of non-governmental organisation are not disproportionately imposed on and target some non-government organisations including those working on protection related activities (i.e. quasi-inexistence of post-return monitoring, and ongoing restriction imposed on protection actors).
 - Encourage Return and Reconstruction Unit to be part of the Return Task Force to share their plan of rehabilitation and reconstruction plan, as to allow humanitarian actors to communicate information with IDPs, returnees, and host communities.
- Humanitarian Country Team/Humanitarian Coordinator to advocate at the national level, the government to timely provide/share information about the status of de-notified areas (see 1.6 of return SoPs), or as mentioned in cases where the assistance is likely to do harm (e.g.) pressuring people to return to

areas where there are no health facilities, schools or lack of human resource to run these services. Also, in some areas of return freedom of movement is hindered by the on-going presence of law enforcement authorities, and areas are not accessible as a result of weather conditions (e.g. LADHA, Makeen and Shawal in South Waziristan agency) or no financial availability to vulnerable families to rebuild their fully damaged. When the time for return is not extended, Humanitarian actors/HCT should refrain from providing assistance until the condition meet the minimum /livable conditions.

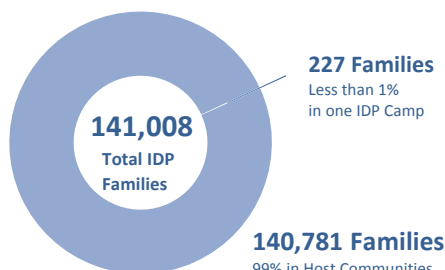
- Donors: increase the current insufficient financial support provided to protection actors and funding for the protection activities to assist returning vulnerable IDPs who are females' head of households and lack CNICs, to allow an adequate follow up their cases, and ensure they fill the criteria for entitlement to return cash assistance and citizen compensation. It is also concerned about the insufficient financial support provided to non-governmental organisations.

ANNEXES

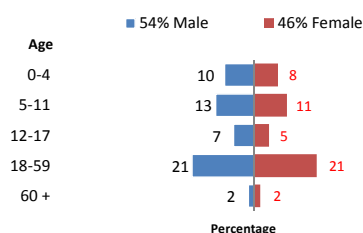
Annex 1: IDP Fact Sheet, June 2016

KP and FATA IDP Population Fact Sheet

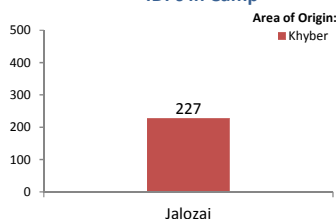
Updated: As of 30 June 2016

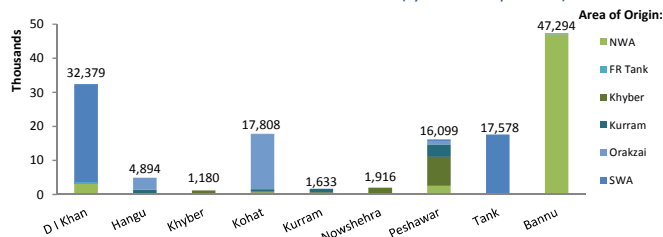
Age-Gender Breakdown



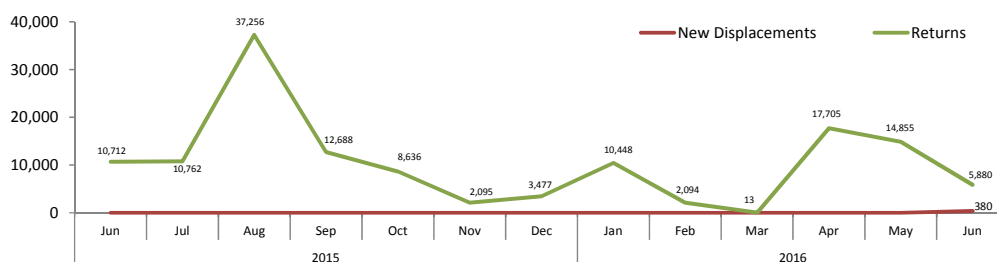
IDPs in Camp



IDPs in Host Communities (by District of Displacement)



Displacement and Return Trends



Currently Registered IDP Families by Location (Camp and Off-Camp)

Present Location		Area of Origin						Total Families	% of Total
		NWA	FR Tank	Khyber	Kurram	Orakzai	SWA		
D I Khan	Off Camp	3,294	322				28,763	32,379	23%
Hangu	Camp			39	1,019	3,489		0	0%
	Off Camp	347		39	1,019	3,489		4,894	3%
	Sub-Total	347		39	1,019	3,489		4,894	3%
Khyber Agency	Off Camp	6		1,174				1,180	1%
Kohat	Off Camp	559		206	788	16,151	104	17,808	13%
Kurram	Camp							0	0%
	Off Camp	9		618	1,006			1,633	1%
	Sub-Total	9		618	1,006			1,633	1%
Nowshetra	Camp			227				227	0%
	Off Camp	117		1,692	94		13	1,916	1%
	Sub-Total	117		1,919	94		13	2,143	2%
Peshawar	Off Camp	2,521		8,481	3,677	1,005	415	16,099	11%
Tank	Off Camp	36					17,542	17,578	12%
Bannu	Off Camp	47,050					244	47,294	34%
Grand Total		53,939	322	12,437	6,584	20,645	47,081	141,008	100%

1. 380 newly displaced families from Ghulam Khan Tehsil of North Waziristan were registered by FDMA and verified by NADRA in June 2016.

2. 5,880 IDP families returned with VRF during June as per the following breakdown. 257 families to South Waziristan Agency and 5,623 to North Waziristan agency

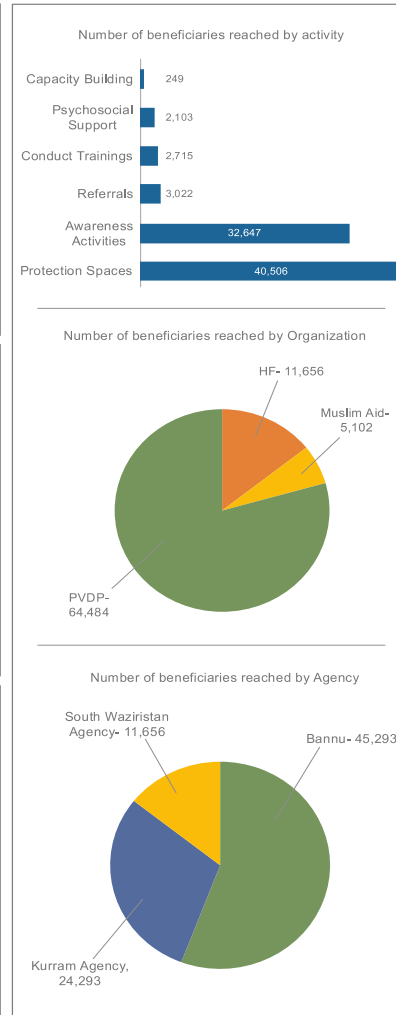
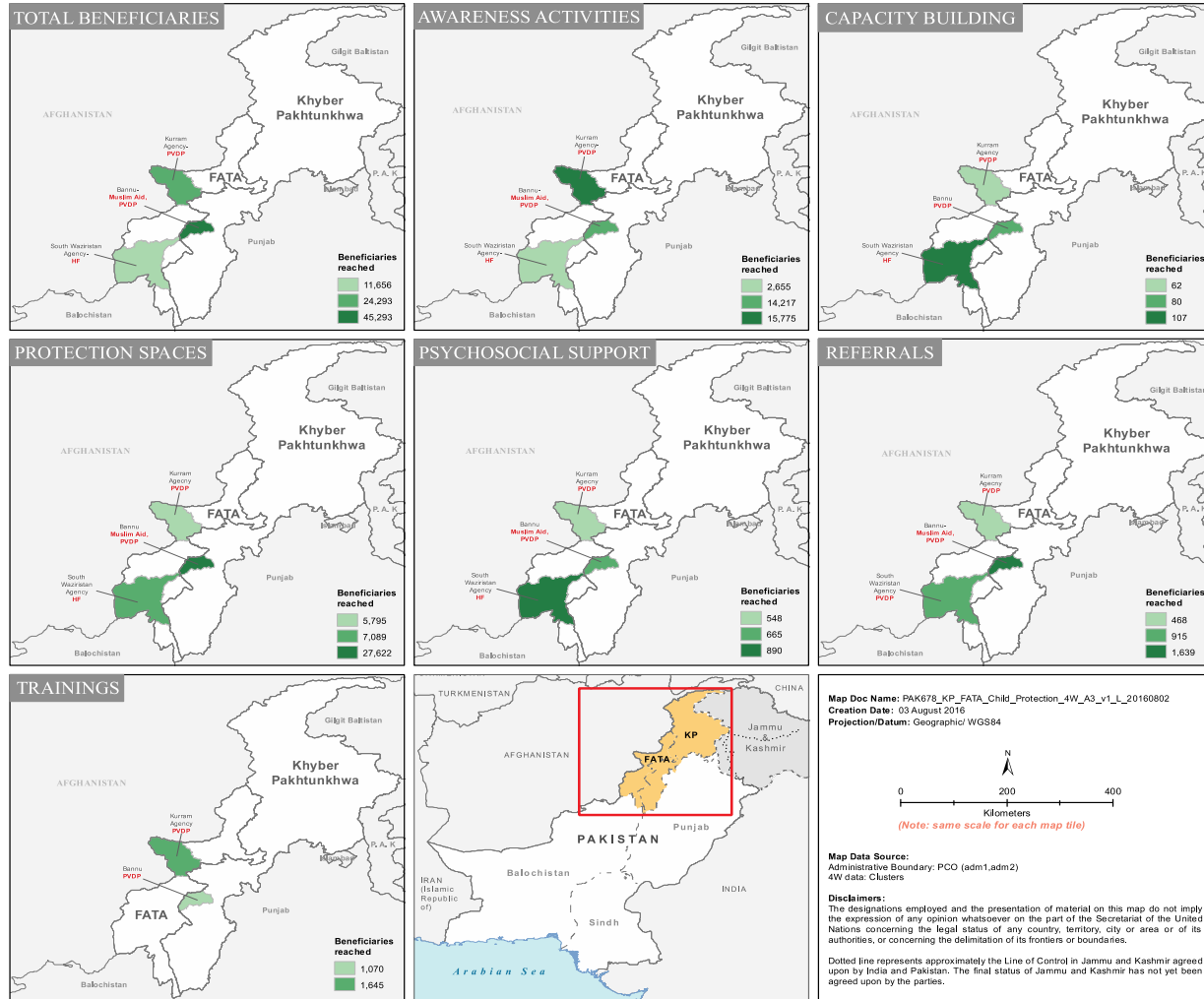
3. IDP Population reflects the total number of registered displaced families verified by NADRA

Source: UNHCR, FDMA, WFP

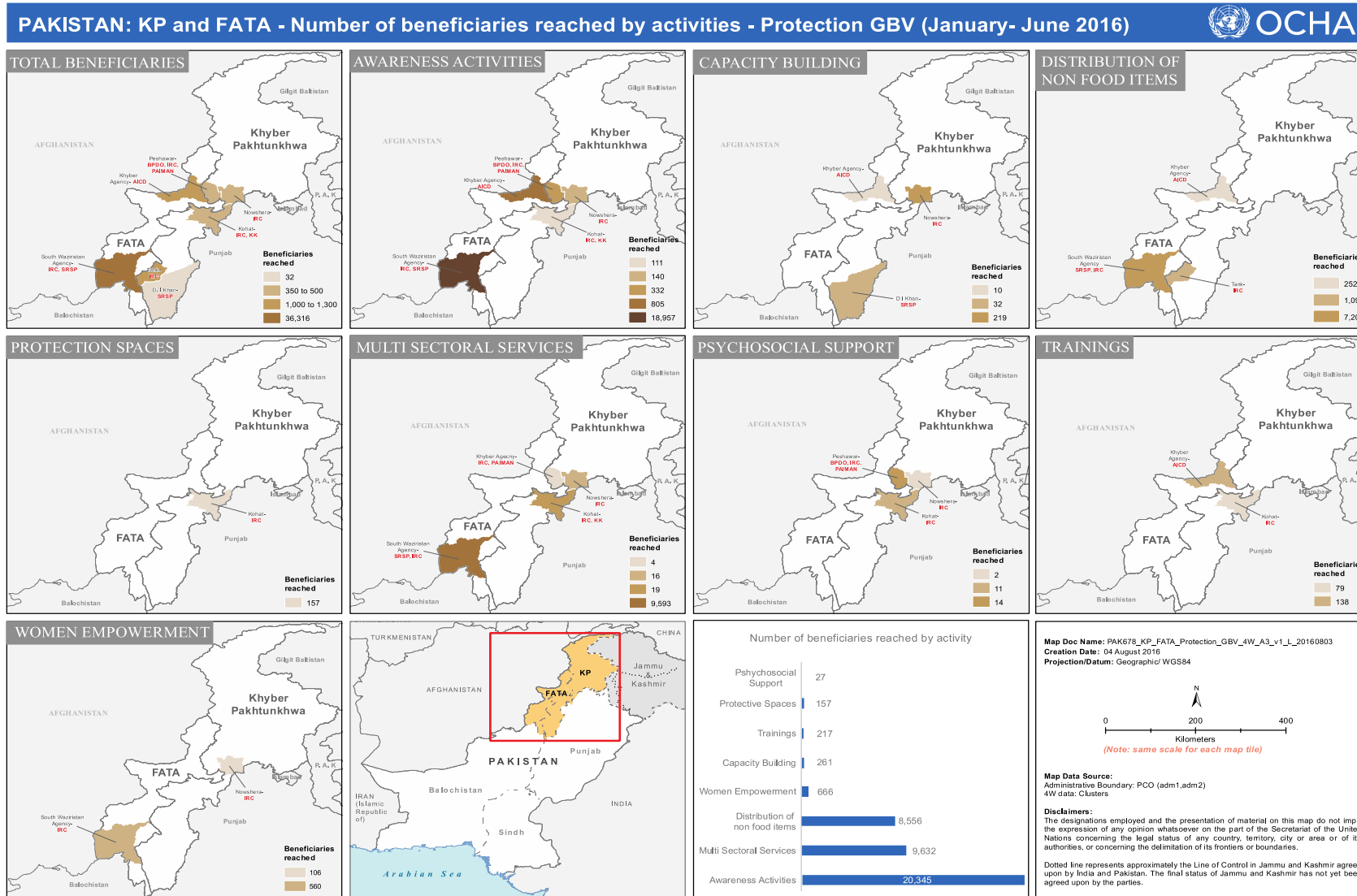
For more information: Junaid Ghani (ghani@unhcr.org)

Annex 1: Child Protection reached beneficiaries

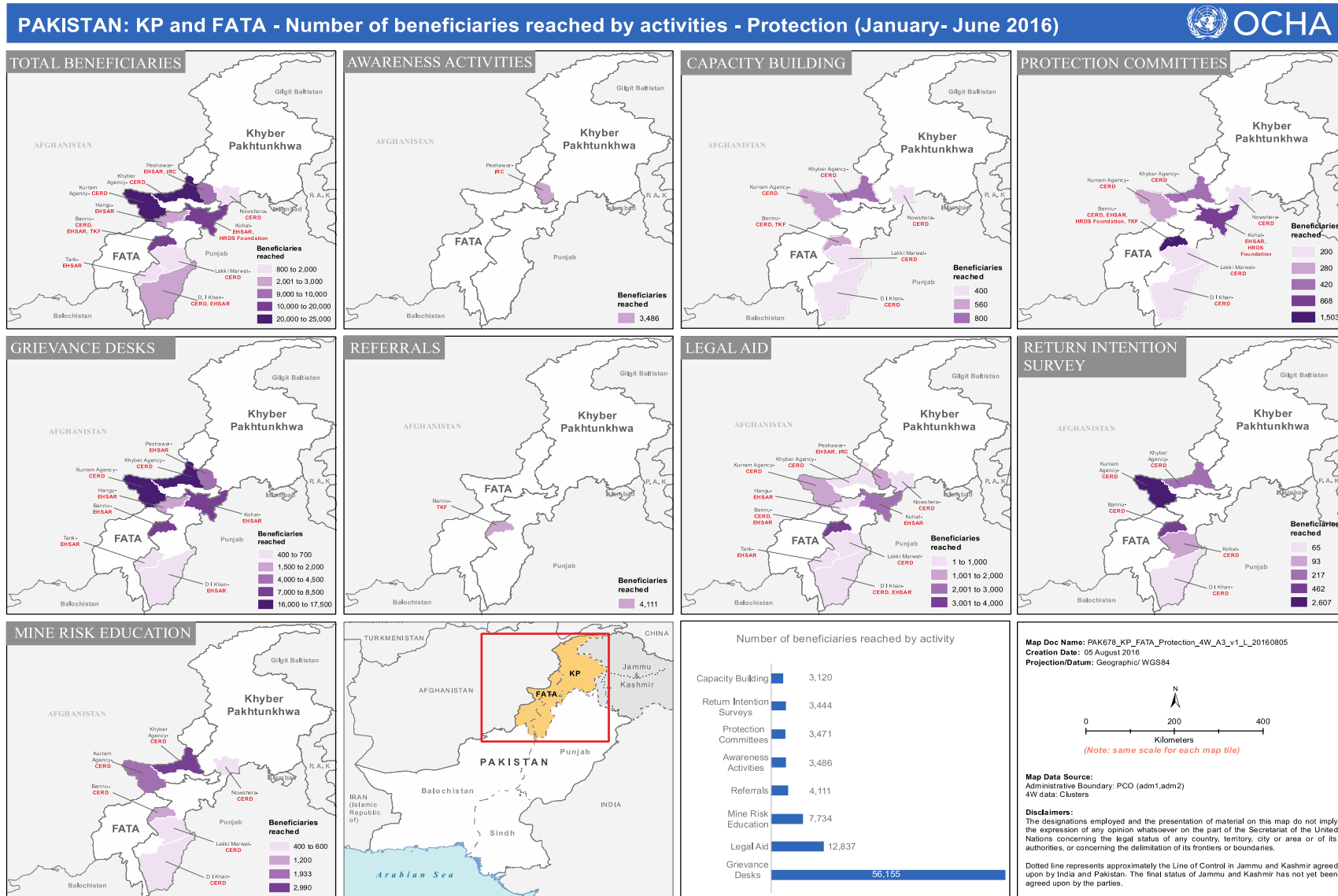
PAKISTAN: KP and FATA - Number of beneficiaries reached by activities - Child Protection (January - June 2016)



Annex 3: Gender Based Violence reached beneficiaries

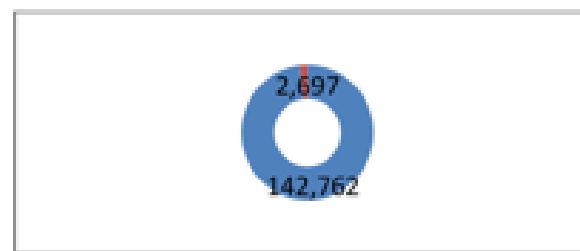
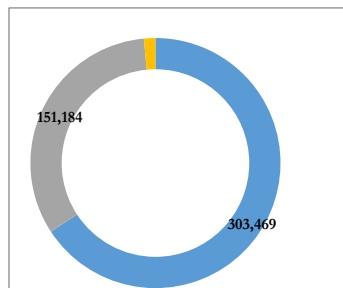


Annex 4: General Protection reached beneficiaries



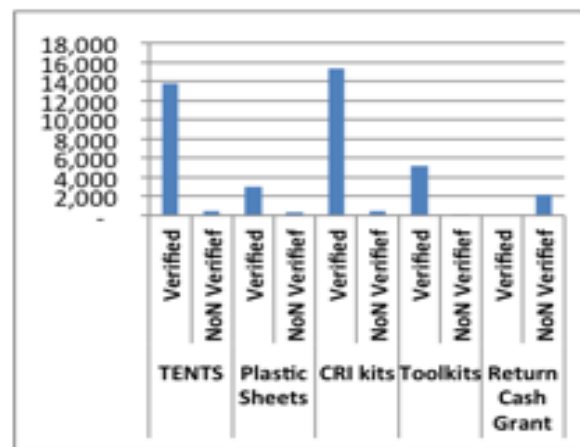
Annex 5: Verified and non verified IDP returnees and return assistance

Return Area/ Agency	Total IDP caseload (as of 1Jan 2015)	Returned from 1 Jan 2015 till 30 June 2016		Remaining IDP Caseload to return	
		Verified Families returned	Non Verified Families returned	Verified Families	Non Verified Families
Khyber	87,151	69,613	5,099	11,769	670
Orakzai	23,191	1,816	123	19,977	1,275
Kurram	23,570	14,441	1,604	6,773	752
North Waziristan	104,002	49,122	-	54,880	-
South Waziristan	65,555	16,192	-	49,363	-
TOTAL	303,469	151,184	6,826	142,762	2,697



Return Assistance Provided by UNHCR

Return Area/ Agency	TENTS		Plastic Sheets		CRI kits		Toolkits		Return Cash Grant	
	Verified Returnees	Non Verifie d Retur nees	Verified Returnees	Non Verifie d Retur nees	Verifi ed Retur nees	Non Verified Returnee s	Verified Returnee s	Non Verified Returnee s	Verified Returnee s	Non Verified Returnee s
Khyber	1,677	126	-	-	4,054	305	1,472	111	-	2,079
Orakzai	1,547	99	174	11	740	47	-	-	-	109
Kurram	1,745	194	2,833	315	1,274	142	-	-	-	-
North Waziristan	121	-	-	-	4,380	-	1,530	-	-	-
South Waziristan	8,679	-	-	-	4,895	-	2,198	-	-	-
SUB TOTAL	13,769	419	3,007	326	15,343	494	5,200	111	-	2,188
GRAND TOTAL	14188	-	3333	-	15837	-	5311	-	-	2188



Return Assistance Provided by FDMA

Return Area/ Agency	Return Transport Grant		Resettlement Grant	
	Verified Returnees	Non Verified Returnee	Verified Returnees	Non Verified Returnee s
Khyber	69,613	-	69,613	-
Orakzai	1,816	-	1,816	-
Kurram	14,441	-	14,441	-
North Waziristan	29,551	-	29,551	-
South Waziristan	16,192	-	16,192	-
SUB TOTAL	131,613	-	131,613	-
GRAND TOTAL	131613	-	131613	-

