

Compensating Civilian Victims of Conflict & Terrorism: Policy and Practice in Khyber Pakhtunkhwa

Civilians in the province of Khyber Pakhtunkhwa (KP) have been hardest hit by conflict and terrorism in terms of the scale of civilian casualties. The province has been bearing the brunt of terrorism since 1980s, when Pakistan's support for Afghan groups fighting against the Russian occupation of Afghanistan led to frequent attacks and bomb blasts in KP, especially in Peshawar. Following 9/11 and the US-led international incursion in Afghanistan, militancy quickly spread in the province. Militants in KP have frequently resorted to terrorism, not only against military targets, but frequently targeting the civilian population. Since 2006, the number of terrorist attacks has risen at an alarming rate — from 55 incidents in 2006 to an unprecedented 584 in 2009, and then 521 and 447 in 2013 and 2014, respectively.

Conflict and Terrorism: Civilian Harm in Khyber Pakhtunkhwa 2006-2015¹

Year	Number of Incidents	Civilians Killed	Injured
2006	55	NA	NA
2007	216	253	592
2008	244	408	885
2009	584	742	2714
2010	399	501	1274
2011	370	313	918
2012	396	200	808
2013	521	448	1263
2014	447	275	590
2015	209	92	197

Until 2009, the provincial government compensated civilian victims of conflict and terrorism according to the compensation standards provided under the West Pakistan National Calamities (Relief and Rehabilitation) Rules, 1969².

Under these rules, the compensation rates for killed and injured were fixed at 100,000 and 50,000 rupees respectively. The increasing frequency of terrorist attacks led to the notification of a separate set of standards and procedures for provision of compensation to the civilian victims of terrorism in 2009,

¹ NCMC, Ministry of Interior, Government of Pakistan

² The legislation and rules providing standards for compensating the killed and injured were intended for the victims of natural disasters, however, the same standards were used analogously for compensating victims of Conflict and Terrorism by the provincial government of Khyber Pakhtunkhwa.

which increased the compensation award for the killed and injured to Rs. 300,000 and Rs. 100,000 respectively. There have been multiple revisions since then, the latest being in 2013, which increased the compensation for the deceased to 500,000, and 200,000 for the injury or incapacitation.

Compensation for Civilian Victims of Conflict and Terrorism

Nature of Loss	Compensation
Loss of Life	500,000
Incapacitation	200,000
Serious Injury	100,000

In 2011, the provincial government started to budget funds for award of compensation to civilian victims in Home and Tribal Affairs Department and separately in each district budget of the Police Department. Budget provision is also made in the Chief Minister's Secretariat budget to enable the Chief Minister to authorize additional payments over and above the prescribed rates. Moreover, in order to further improve the availability of funds and their quick disbursement to victims, the district governments since November 11, 2009 have been authorized to award compensation payments from their Account IV (district government fund account) once approved by the Commissioner, and later seek re-imbursements from the finance department. The provincial government is also in process of creating a sub-fund for civilian victims of terrorism under Provincial Disaster Management Authority (PDMA), KP.

KPK is the only province to have a dedicated budget line for the civilian victims of conflict and terrorism; and with efficient mechanism of awarding compensation as a result of devolving the authority of approval from provincial departments to the divisional level.

Process for Award of Compensation

The process for award of compensation in KP is far less

cumbersome as compared to other provinces. In late 2009, the GoKP took two major steps to improve the compensation process for civilian victims. First, the process was simplified by delegating the power of approval of award of compensation from the Home Department to the Divisional Commissioner. Second, the provincial government notified a specific timeline for the award of compensation, including a specific timeframe for each stage of the process. The stipulated time for completion of the whole process of award of compensation is now approximately one month. In most of the cases, the stipulated timeline is observed. Whenever a loss to life or property occurs as a result of terrorist activity, a first information report (FIR) is lodged with the local police station. The Deputy Commissioner initiates the compensation process and prepares a summary of the incident, based on the FIR, detailing the losses incurred in terms of person and property, which is forwarded to the Divisional Commissioner office. The Commissioner office, on authorization from the provincial finance department, issues the order for release of funds to the respective Deputy Commissioner. The DCO issues a cheque to the victims or legal heirs of deceased victims.

Key Challenges

- Despite undertaking substantial policy measures to improve the process for award of compensation to civilian victims, there is absence of an overarching legal and policy framework.
- The delegation of authority of approval of compensation awards to the divisional level has significantly shortened the period of award of compensation, but it has also

severely affected the oversight and coordination function of the Home & Tribal Affairs Department. Absence of oversight has resulted in a number of problems, including misuse and misappropriation of funds, at the district level.

- There is a significant backlog in payment of compensations due to problems in verification of the victims and their legal heirs.
- The present framework does not compensate the victims of targeted killings and crossfire, and those receiving minor injuries. The mechanism neither caters to material losses except for damage to the victim's house.
- There is no mechanism where victims, or their legal heirs in case of deceased, could access the relevant information and track the granted award of compensation.
- There is no formal mechanism for redress of grievances of the civilian victims.

Looking Ahead

Following proposed policy measures can help strengthen the existing framework for compensating civilian victims of conflict and terrorism in Khyber Pakhtunkhwa:

- The government of KP has taken significant measures to give relief to civilian victims, however, the need for a separate legislation cannot be undermined to strengthen the existing system.
- As part of a rehabilitation scheme, the government must guarantee free healthcare and education, and provision of livelihood to civilian victims, or family members of deceased victims.