

Pakistan

Country:

[Pakistan](#)

Year:

2016

Freedom Status:

Partly Free

Political Rights:

4

Civil Liberties:

5

Aggregate Score:

41

Freedom Rating:

4.5

Overview:

Pakistan was relatively stable in 2015. Terrorist violence decreased by one-third from 2014 levels, though it caused 3,682 fatalities. The decrease was consistent with the widely held impression that the terrorist threat in Pakistan has passed its peak.

The government began implementing a 20-point National Action Plan (NAP) during the year, announced by Prime Minister Nawaz Sharif in December 2014. The plan included a range of counterterrorist measures including clamping down on terrorist financing, countering incitement to violence, reforming madrassahs, repatriating Afghan refugees, and reforming the Federally Administered Tribal Areas (FATA). The government made periodic announcements during the year regarding progress in these areas, including the arrest of suspicious persons, inspections of madrassahs, and restricted media coverage of prohibited organizations. In November, the military criticized the civilian government for moving too slowly in implementing the plan.

In August, the paramilitary Rangers completed the first stage of a nearly two-year security operation in Karachi that involved targeting high-profile terrorists and criminals. The army continued its operation in North Waziristan, but made little progress in the militant-controlled Shawal Valley.

Explanatory Note:

The numerical ratings and status listed above do not reflect conditions in Pakistani-controlled Kashmir, which is examined in a separate report.

Political Rights and Civil Liberties:

Political Rights: 20 / 40 [Key]

A. Electoral Process: 7 / 12

Pakistan consists of four provinces (Baluchistan, Punjab, Sindhi, and Khyber Pakhtunkhwa, or KPK) and two federal territories (the Federally Administered Tribal Areas [FATA] and the Islamabad Capital Territory). The Parliament (Majlis-i-Shoora) is bicameral, with a 342-member National Assembly (NA) and a 104-member Senate. The constitution provides for a parliamentary system of government headed by a prime minister. An electoral college of the Senate, the NA, and the provincial assemblies elects the president for up to two five-year terms.

The Senate provides equal representation to all units of the federation. Each provincial assembly chooses 23 members, NA members representing the FATA elect 8, and 4 are chosen by the NA to represent the capital territory. Senators serve six-year terms, with half of the seats up for election every three years.

Members of the NA are elected for five years. Of the 342 seats, 272 are filled through direct elections in single-member districts, 60 are reserved for women, and 10 are reserved for non-Muslim minorities. The reserved seats are filled through a proportional representation system with closed party lists. The seats for women are allocated in proportion to the number of general seats a party gains in each of the provinces. The provincial assemblies employ a similar electoral system.

Prominent international and domestic election observers judged the 2013 elections favorably, citing active competition and campaigning, and voter turnout of 55 percent. The Pakistan Muslim League–Nawaz (PML-N) overtook the incumbent Pakistan People's Party (PPP) at the federal level, winning 126 of the directly elected seats in the NA. The PPP won 31 seats and Pakistan Tehreek-e-Insaf (PTI) took 28. Various smaller parties won less than 20 directly elected seats each. The PML-N formed a governing majority with the help of allied independents, and Sharif became prime minister.

Lingering controversies around the conduct of the elections were settled in 2015. A national judicial inquiry commission reported in July that the elections had largely been conducted fairly and according to the law, and that irregularities did not distort the popular mandate. It did note, however, that the administration of the elections was at times chaotic and poorly documented. The opposition PTI petitioned election tribunals in constituencies where it claimed there had been egregious abuses. In two 2015 by-elections ordered by these tribunals, PML-N and PTI each one a seat originally taken by PML-N.

The 18th constitutional amendment, adopted in 2010, significantly decentralized power from the federal level to the provinces. Under this arrangement, the provincial assemblies and governments have legislative and executive responsibilities, including in health, education, and local government. The 2013 provincial elections left a different party in government in each of the four provinces: PML-N in Punjab, PPP in Sindhi, a PTI-led coalition in KPK, and a National Party/PML-N coalition in Baluchistan.

For the first time in 10 years, local government elections were completed in the four provinces and Islamabad in stages from May through December 2015.

B. Political Pluralism and Participation: 8 / 16

Pakistan has a thriving and competitive multiparty system that allows both voters and candidates a wide choice of parties. Examples of the recent dynamics of party competition have included the successful mobilization of a youth vote by PTI that enabled it to win power at the provincial level in KPK, and PML-N's 2013 defeat of the incumbent PPP at the federal level. However, parties lack internal democracy and financial transparency. Disproportionate influence is exercised by an elite of

traditional political families, dubbed “electables,” who are courted as candidates by all the leading parties.

There is a history of use of accountability mechanisms against national politicians, some of which has been selective and discriminatory. In 2013, the Supreme Court ordered the arrest of the sitting PPP prime minister, Raja Pervaiz Ashraf. In August 2015, the PPP protested the detention of another of their former ministers, Asim Hussain, on corruption and terrorism charges. A history of links between political parties and violent gangs in Karachi has stymied political competition there.

Terrorism over the past decade concentrated in the north of the country has periodically targeted democratic, secular-leaning politicians, including former prime minister Benazir Bhutto (assassinated after an election meeting in 2007) and multiple representatives of the Awami National Party. The decline of terrorist violence in 2015, however, has reduced the impact on the political opposition.

Since 2002, a joint electorate system has allowed members of minorities to participate in the general vote while also being represented by reserved seats in the national and provincial assemblies through the party-list system. However, the participation of non-Muslims in the political system continues to be marginal. Political parties nominate members to legislative seats reserved for non-Muslim minorities, leaving non-Muslim voters with little say in selecting the parliamentarians who supposedly represent them. Ahmadis, members of a heterodox Muslim sect, face political discrimination and are registered on a separate voter roll.

C. Functioning of Government: 5 / 12

The military and civilian leaderships avoided any visible clash during 2015, although this harmony was achieved in large part by the prime minister’s accommodation of the military’s preferences on foreign policy and defense. Terrorists, including Islamist extremists, continued to try to intimidate elected governments, most directly with the assassination of the Punjab home minister in a suicide bombing in August. Fear of violence and agitation remained a significant constraint on any moves to review or reform Islamist laws and their application, such as the blasphemy law.

The National Accountability Bureau (NAB) is Pakistan’s premier anticorruption body. During 2015, NAB registered cases against politicians of all major parties, including the prime minister. However, there were few signs of progress toward reducing endemic public-sector corruption.

Civil society was able to contribute to the debate over legislation in 2015, particularly with a proposed Prevention of Electronic Crimes Bill. The current ordinance granting access to information, put in place in 2002, remains poorly implemented and underfunded. A 2012 draft Freedom of Information law has earned praise from international watchdogs but remained pending at year’s end. Key aspects of the national security strategy shaped by the military remained opaque and shielded from debate.

Civil Liberties: 21 / 60 (-1)

D. Freedom of Expression and Belief: 5 / 16

Pakistan has a vibrant media sector that presents a range of news and opinions and hosts lively debates on current affairs. There are about 90 television channels, 160 radio stations, and over 200 daily newspapers. However, there is a history of violence and intimidation selectively directed against media figures by both intelligence agencies and violent extremist groups. Four Pakistani

journalists were killed in terrorist incidents targeting the media in 2015. Prominent television journalist Hamid Mir of the Geo Network continues to receive death threats after surviving a 2014 assassination attempt. The lack of independent access for journalists to insurgency-affected parts of Baluchistan and the FATA further restrict reporting.

The Pakistan Electronic Media Regulatory Authority (PEMRA) awards radio and television licenses, maintains a code of conduct, and exercises the power to suspend operators. PEMRA has been accused of taking politically motivated actions. During 2015 PEMRA strengthened its code of conduct to ban hate speech and issued instructions to operators to refrain from giving coverage to prohibited organizations. The Committee to Protect Journalists expressed concern at the broad scope of the guidelines and the fact that they were developed without media-industry input.

More than 200,000 websites are banned in the country because of their allegedly anti-Islamic, pornographic, or blasphemous content, including YouTube. Civil society groups criticized the Electronic Crimes Prevention Bill, drafted in January and amended in September, for being overly broad and being promoted without adequate public debate. At the end of the year the National Assembly was considering a law that contained a broad and vague definition of objectionable content, allowed censorship without judicial oversight, and provided for mass data retention without safeguards. Meanwhile the authorities continued to invest in mass surveillance capacity and the compulsory registration of SIM cards and data devices, prompting concerns about infringement of privacy.

Constitutional guarantees of freedom of religion and protection of minorities have not provided effective checks to discriminatory legislation, social prejudice, and sectarian violence. Members of the Hindu community have complained of vulnerability to kidnapping and forced conversions, and some continue to migrate to India, where they are housed in refugee camps. High-profile blasphemy cases and mob violence have affected the Christian community and others. The most specific discriminatory legislation has been directed at the Ahmadi community, who are prohibited from asserting themselves as Muslims. Sectarian groups continued to attack Shiite Muslims during 2015, including an attack on the annual Moharram commemorations in Jacobabad in which 22 people were killed, and an explosion in a bazaar in Kurram in December that killed more than 20 people. A string of mass shootings targeted the Hazara Shia minority in Quetta, Baluchistan. Many of these attacks were claimed by or attributed to the Lashkar I Jhangvi group.

Pakistan has a long history of using education to portray Hindus and other non-Muslims negatively and to rationalize enmity between Pakistan and India. Attempts to modernize education and introduce tolerance into school textbooks have proven slow and controversial. In May, a senior educator involved in textbook reform was forced to leave the country after receiving death threats.

Blackberry, a mobile phone manufacturer, withdrew from the Pakistani market in November after the government insisted on having unlimited access to its customers' private data. The threat of accusations of blasphemy or reprisals from the military obliges ordinary Pakistanis to self-censor on topics of religion and security.

E. Associational and Organizational Rights: 6 / 12 (-1)

The constitution guarantees the rights to associate, demonstrate, and organize, but the government sporadically imposes arbitrary restrictions to temporarily ban gatherings or any activity designated a threat to public order. In 2015, the space for nongovernmental organizations (NGOs) to function was significantly reduced when the Federal Interior Ministry announced its intention to adopt new registration procedures for both national and international organizations, restricting them to pre-assigned areas of activity. Some NGOs, including the Norwegian Refugee Council, were ordered to leave, while 20 international NGOs were placed under investigation, moves that ensured that NGOs

operated in a climate of suspicion and uncertainty. The interior ministry also announced a ban on the aid agency Save the Children, though this was later rescinded. Interior Minister Chaudhry Nisar Ali Khan publicly voiced concern that NGOs were involved in antistate activities such as espionage and financing terrorism. In April, gunmen shot dead human rights activist Sabeen Mahmud in Karachi.

The rights of workers to organize and form trade unions are recognized in law, and the constitution grants unions the rights to collective bargaining and to strike. However, many categories of workers are excluded from these protections, accounting for approximately 60 percent of the formal-sector workforce. The procedures that need to be followed for a strike to be legal are onerous. Nevertheless, strikes are organized regularly. Roughly 70 percent of the workforce is employed in the informal sector where there is limited unionization.

F. Rule of Law: 4 / 16

Over the last decade, executive interference in the higher judiciary has decreased, and the judiciary in some cases holds the executive to account. However, the broader justice system is marred by endemic problems including corruption, intimidation, a large backlog of cases, insecurity, and low conviction rates for serious crimes.

A separate Federal Sharia Court is empowered to determine whether a provision of law goes against Islamic injunctions. Some communities resort to informal forms of justice, leading to decisions outside formal safeguards.

The government appointed a new National Human Rights Commission in 2015 that is tasked with investigating human rights abuses and suggesting improvements to the government. Some civil society groups have criticized the new commission for not having power over the security forces.

In January, the National Assembly passed a constitutional amendment establishing military courts to try terrorist cases and impose death sentences. In March, the government ended its moratorium on capital punishment. During the year, 303 executions were carried out.

The FATA are governed by the president and federal administration. They are subject to the Frontier Crimes Regulation (FCR) and lie outside the jurisdiction of the Pakistan Supreme Court. The FCR authorizes the government's political agent and tribal leaders to apply customary law and provides for collective punishment. In November, the government announced a new committee to consider options for reforming the FATA that would improve safety in the region and potentially fold them into one of Pakistan's other provinces.

The military and the intelligence services enjoy impunity for indiscriminate use of force. Extrajudicial killings, enforced disappearances, torture, and other abuses are common. Terrorism suspects, Balochi and Sindhi nationalists, journalists, researchers, and social workers have all been victims of alleged disappearance.

Two major insurgencies, in the FATA and Baluchistan, and a major security operation in Karachi continued in 2015. Although violence in the FATA decreased somewhat in 2015, militant extremists of the Tehreek-i-Taliban Pakistan (TTP) and its offshoots continued to threaten and extort from the civilian population while also launching periodic raids against government targets from their bases along the Afghan border. In September, militants attacked the Badaber air base outside Peshawar, reportedly killing 29 people.

Pakistan hosts some 1.5 million registered Afghan refugees, with approximately one million more unregistered. A generation of refugees has been born and raised in Pakistan, but the community

remains subject to chronic insecurity and uncertainty. The first quarter of 2015 saw forced deportations and the closure of businesses in a crackdown on undocumented Afghan refugees in Khyber Pakhtunkhwa and Punjab provinces. The UN Refugee Agency and Pakistani authorities periodically negotiate extensions to refugees' authorized stays. Refugees with inadequate documentation are subject to harassment, threat of arrest, and deportation. They are deprived of access to banking and SIM cards.

Members of the transgender and intersex community are authorized to register for official documents under a "third gender" classification recognized by the Supreme Court in 2009. In a ruling in 2011, the court granted them the right to vote, enabling them to participate in the 2013 elections. Nonetheless, the LGBT (lesbian, gay, bisexual, and transgender) community are subject to societal and legal discrimination. The penal code prescribes prison terms for consensual sex "against the order of nature." Although prosecutions are rare, such laws deter LGBT people from acknowledging their orientation or reporting abuses. Transgender and intersex people face de facto discrimination in housing and employment. They are also refused inheritance rights. Many are forced into prostitution or to beg in order to survive.

G. Personal Autonomy and Individual Rights: 6 / 16

There are few legal limitations on citizens' travel or their choice of residence, employment, or institution of higher learning. The main tool for restricting foreign travel is the Exit Control List, which blocks named individuals from using official exit points from the country. The list is meant to include those who pose a security threat and those facing court proceedings, but on occasion it has been used against civil society activists who have worked on issues embarrassing to officials. In November, the Interior Ministry removed almost 10,000 names from the list and stated it would apply greater scrutiny before adding new names.

Pakistan's rampant corruption, weak regulatory environment, and ineffective legal system undermine property rights and economic freedom. In May, the Federal Investigative Agency arrested the head of the Axact company after the *New York Times* exposed a scheme to market fake degrees and invest the profits into a proposed big-budget television station.

A number of reforms have been enacted in recent years to improve conditions for women. However, the implementation of protective laws has been weak, and violence against women continues unabated. In addition to acid attacks, domestic violence, rape, and so-called honor crimes, women face restrictions on voting and education, especially in KPK, the FATA, and Baluchistan. Political parties maintain women's wings that are active during elections. However, currently no women hold posts in the federal cabinet or at the helm of mainstream political parties.

Exploitative forms of labor remain common, in particular in the brick kiln industry, where owners have significant political influence that protects them from prosecution. Though bonded and child labor are outlawed, they are widespread in practice.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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