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Pakistan

Country:

Pakistan

Year:

2018

Freedom Status:

Partly Free

Political Rights:

4

Civil Liberties:

5

Aggregate Score:

43

Freedom Rating:

4.5

Overview:

Pakistan holds regular elections under a competitive multiparty political system. However, the military exerts enormous influence over security and other policy issues, intimidates the media, and enjoys impunity for indiscriminate or extralegal use of force. The authorities impose selective restrictions on civil liberties, and Islamist militants carry out attacks on religious minorities and other perceived opponents.

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: 19 / 40 (-2)

A. ELECTORAL PROCESS: 6 / 12 (-1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4 (-1)

A prime minister responsible to the bicameral parliament holds most executive power under the constitution. The president, who plays a more symbolic role, is elected for up to two five-year terms by an electoral college comprising the two chambers of parliament and the provincial assemblies. The president as of 2017, Mamnoon Hussain, was nominated by the ruling Pakistan Muslim League–Nawaz (PML-N) and elected in 2013.

Nawaz Sharif became prime minister after the PML-N won relatively free and fair elections in 2013. However, the Supreme Court ruled in July 2017 that he had violated a vague constitutional clause requiring parliament members to be “honest” by failing to disclose certain assets in his nomination papers, and he was forced to step down. Sharif was replaced as prime minister by his party’s nominee, Shahid Khaqan Abbasi, then the minister of petroleum and natural resources. Critics of the ruling noted that the court had accepted, without a trial, the findings of an ad hoc investigative panel that included military members, and many observers tied Sharif’s ouster to his long-standing rivalry with the military over control of foreign policy and national security matters.

Score Change: The score declined from 3 to 2 because the elected prime minister was removed from office through an irregular judicial process amid suspicions of interference by the military.

A2. Were the current national legislative representatives elected through free and fair elections? 2 / 4

The parliament consists of a 342-member National Assembly (NA) and a 104-member Senate. 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.

In the Senate, each provincial assembly chooses 23 members, NA members representing the Federally Administered Tribal Areas (FATA) elect 8, and 4 are chosen by the NA to represent the Islamabad capital territory. Senators serve six-year terms, with half of the seats up for election every three years.

International and domestic election observers judged the 2013 elections favorably, citing active competition and campaigning. Voter turnout was 55 percent. The 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 fewer than 20 directly elected seats each. The PML-N formed a governing majority with the help of allied independents.

Provincial assembly elections were also held in 2013, leaving a different party in government in each of the four provinces: PML-N in Punjab, PPP in Sindh, a PTI-led coalition in Khyber Pakhtunkhwa (KPK), and a National Party/PML-N coalition in Baluchistan.

In September 2017, Sharif’s wife won a by-election for his vacant NA seat in Lahore.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

Elections are administered by the Election Commission of Pakistan (ECP), whose members are current or retired senior judges nominated through a consultative process that includes the government and the parliamentary opposition. The electoral laws are largely fair and impartially implemented, and candidates have extensive access to the courts in electoral disputes. However, ongoing problems include lower rates of voter registration among women, a requirement that members of the Ahmadi religious minority register as non-Muslims despite considering themselves Muslims, vague moral requirements for candidate nomination, and the ECP's lack of direct authority over local returning officers responsible for candidate registration.

B. POLITICAL PLURALISM AND PARTICIPATION: 8 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Pakistan has a thriving and competitive multiparty system. Several major parties and numerous smaller parties and independents are represented in the parliament and provincial legislatures, though established parties like the PML-N and PPP maintain patronage networks and other advantages of incumbency that hamper competition in their respective provincial strongholds.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Opposition parties are free to campaign and contest elections, and the two main opposition groups head provincial governments. The 2013 elections resulted in a rare democratic transfer of power from the PPP to the PML-N at the national level. Most recent complaints of political repression have concerned alleged attempts by the military and reputedly allied groups like the PTI to weaken the ruling party. The PPP made little headway during 2017 in its efforts to rebuild support, though the main obstacle seemed to be lack of popular appeal rather than official interference.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 1 / 4

Civilian politics are subject to attempted manipulation by religious extremists and the powerful military. Security forces cracked down on the Muttahida Qaumi Movement (MQM) in 2016 after its London-based leader gave a speech that was deemed treasonous, closing party offices in Karachi and allegedly backing the emergence of rival party factions. Separately, new radical Islamist parties with links to extralegal violence gained prominence during 2017, including Tehreek-e-Labaik and the Milli Muslim League, whose candidates together took 11 percent of the vote in the by-election for Nawaz Sharif's NA seat. Tehreek-e-Labaik went on to mount the aggressive protests that led to the ouster of the law minister in November.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Since 2002, a joint electorate system has allowed members of non-Muslim 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.

Political parties maintain women's wings that are active during elections, but women face practical restrictions on voting, especially in KPK, the FATA, and Baluchistan, where militant groups and traditional societal constraints are more prevalent. Women rarely achieve leadership positions in parties or the government.

C. FUNCTIONING OF GOVERNMENT: 5 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4 (-1)

Formally, the elected prime minister and cabinet make policy in consultation with the parliament, which holds full legislative powers. However, the perennial struggle between these civilian structures and the military establishment for control of national security policy intensified during 2017. The military has asserted primacy on relations with India, Afghanistan, China, and the United States, as well as on counterterrorism policy within Pakistan, balking at Prime Minister Sharif's attempts to take the lead and change direction on such topics.

A senior foreign affairs adviser to the prime minister, Tariq Fatemi, was removed from his post in April for alleged involvement in leaks behind a 2016 news report describing a meeting at which the government was said to have pressed the military to take action against militant groups. Sharif's subsequent ouster by the Supreme Court through an irregular process in July and the removal of the PML-N law minister in November added to suspicions that the military was using indirect means to weaken the civilian government and bolster its control over foreign and security policy. The military notably played a role in the inquiry behind the Supreme Court ruling and brokered the resolution of the Islamist protests in November, which amounted to a humiliating defeat for the civilian government. Regardless of the military's actual intentions in these incidents, the weakened government was less able to exert policy influence in their aftermath.

Score Change: The score declined from 2 to 1 due to a shift in policymaking influence from the civilian government to the military establishment following the ouster of Prime Minister Nawaz Sharif by the Supreme Court in July and other forced removals of civilian officials during the year.

C2. Are safeguards against official corruption strong and effective? 1 / 4

There are numerous formal safeguards against official corruption, including a dedicated agency, the National Accountability Bureau (NAB). The military and judiciary have their own disciplinary systems. However, corruption is believed to remain endemic in practice.

In April 2017, the Supreme Court formed an ad hoc Joint Investigation Team (JIT)—consisting of a senior law enforcement officer, the NAB director, two military intelligence officers, and two top financial regulators—to probe allegations that Sharif had undeclared assets. Its findings resulted in the court’s removal of Sharif from office in July. The case appeared to address long-standing concerns that the political elite used their positions to amass private wealth and flout relevant regulations, but the unusual procedures and political context reinforced the impression that enforcement of anticorruption laws is selective and discriminatory. Criminal corruption charges were filed against Sharif and members of his family later in the year.

C3. Does the government operate with openness and transparency? 3 / 4

Accessing official information remains difficult, and existing provisions for obtaining public records are ineffective. At the federal level a 2002 ordinance on access to information remains in force and is widely considered to be weaker than current international standards. Think tanks, civil society organizations, and universities all contribute to lively debate on many aspects of public policy. However, debate on certain aspects of national security policy, such as the insurgency in Baluchistan and the military’s alleged support for militant groups targeting Afghanistan and Indian-controlled Kashmir, have in effect remained taboo.

CIVIL LIBERTIES: 24 / 60 (+2)

D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16 (+1)

D1. Are there free and independent media? 2 / 4 (+1)

Pakistan has a vibrant media sector that presents a range of news and opinions. In 2017, the media were able to cover political and legal controversies involving Sharif and his government with relative freedom—particularly English-language outlets whose smaller audiences afforded them more leeway to challenge powerful interests.

However, state agencies can curb media content through a variety of laws and regulations when they deem it necessary. For example, the Pakistan Electronic Media Regulatory Authority (PEMRA) awards radio and television licenses, maintains a code of conduct, and exercises the power to suspend operators. There is also a history of violence and intimidation selectively directed against media figures by military intelligence agencies and violent extremist groups. Several journalists were shot and killed during the year, and the New York–based Committee to Protect Journalists confirmed that at least one was murdered in connection with his work. The perpetrators of such violence typically enjoy impunity. In Baluchistan, local journalists are often caught between authorities who order them not to cover separatist rebel activity and rebel groups that threaten them for siding with the government.

Score Change: The score improved from 1 to 2 due to the media’s ability to cover the prime minister’s corruption case and other politically sensitive matters during the year.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4

Constitutional guarantees of religious freedom have not provided effective safeguards against discriminatory legislation, social prejudice, and sectarian violence. There was an increase in sectarian violence in 2017 after a drop the previous year, with 231 people reported killed—mainly Shiite Muslims—compared with 137 in 2016. Hindus have complained of vulnerability to kidnapping and forced conversions, and some continue to migrate to India. 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 calling themselves Muslims. A 2017 initiative to tone down the anti-Ahmadi declaration required of candidates in the electoral law backfired, triggering the Islamist protest movement that led to the law minister's ouster in November.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

Pakistani authorities have a long history of using education to portray Hindus and other non-Muslims negatively and to rationalize enmity between Pakistan and India, among other ideological aims. Past attempts to modernize education and introduce tolerance into school textbooks have made little progress. In 2017, Tehreek-e-Laibak demanded a role in supervising Pakistani textbooks so as to strengthen their Islamic content and perspective. Some space has opened for scholars to discuss sensitive issues involving the military in recent years.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Pakistanis are free in practice to discuss many topics both online and off, but the 2016 Prevention of Electronic Crimes Act (PECA) gives the executive-controlled Pakistan Telecommunications Authority (PTA) unchecked powers to censor material on the internet, and law enforcement agencies have cracked down on allegedly blasphemous content in particular. In June 2017, a Shiite man convicted of blasphemy became the first person to receive a death sentence for a social media posting. In September, a Christian man was similarly sentenced to death for sharing allegedly blasphemous material on the messaging application WhatsApp.

Extralegal violence also serves as a deterrent to unfettered speech. In January 2017, five bloggers who had criticized Islamist militant groups and the military were forcibly disappeared, allegedly by military intelligence personnel; four were later released, but the fifth apparently remained disappeared at year's end. In April, a student at a university in KPK was shot and beaten to death by a mob after being accused of blasphemy.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 6 / 12

E1. Is there freedom of assembly? 3 / 4

The constitution guarantees the right to assemble peacefully, though the government sometimes imposes arbitrary restrictions to temporarily ban gatherings or any activity

designated a threat to public order, for instance by invoking Section 144 of the penal code. In 2017, the authorities generally allowed multiple opposition groups, ranging from the mainstream PTI to chronic agitators such as Muhammad Tahir-ul-Qadri's Pakistan Awami Tehreek (PAT) and the newly formed radical group Tehreek-e-Laibak, to carry out aggressive antigovernment demonstrations in the capital and other cities. Six people were reportedly killed when police tried unsuccessfully to disperse the Tehreek-e-Laibak protest in November, and the group then secured concessions from the government before agreeing to end the standoff.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 1 / 4

The government has continued a crackdown on civil society organizations, enforcing rigid regulations and subjecting organizations to intrusive vetting by military intelligence. Officials can demand that civil society organizations obtain a “no-objection certificate” (NOC) before undertaking even the most innocuous activity. In September and November 2017, the authorities ordered Doctors Without Borders (MSF) to cease its activities in the tribal areas of Kurram and Bajaur. In December, the government reportedly denied the reregistration applications of nearly 30 international nongovernmental organizations (NGOs), out of 139 which had applied under a process that began in 2015. Those refused registration included women's rights and human rights groups such as the Open Society Foundations.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

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, which are not strongly enforced. Roughly 70 percent of the workforce is employed in the informal sector, where unionization and legal protections are minimal. The procedures that need to be followed for a strike to be legal are onerous. Strikes and labor protests are organized regularly, though they often lead to clashes with police and dismissals by employers.

F. RULE OF LAW: 5 / 16 (+1)

F1. Is there an independent judiciary? 2 / 4

The removal of Prime Minister Sharif in 2017 demonstrated the Supreme Court's independence from the civilian executive, but critics accused the court of making a politicized decision based on a narrow technicality after a flawed process, and of acting in concert with the wishes of the military.

The broader court system is marred by endemic problems including corruption, intimidation, insecurity, a large backlog of cases, and low conviction rates for serious crimes.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Police have long been accused of biased or arbitrary handling of initial criminal complaints, and both the police and the prosecution service have been criticized for a chronic failure to prosecute terrorism cases. The government responded in 2015 by allowing for some civilians to be tried in military courts. Despite concerns that the military courts lacked transparency and due process guarantees, such as access to a competent defense, the government extended their mandate through 2017, and they continued to issue death sentences.

The FATA, which lie outside the jurisdiction of the Supreme Court and are subject to the colonial-era Frontier Crimes Regulation (FCR), are effectively exempted from most due process provisions and basic human rights guarantees. The FCR authorizes the government's political agents and tribal leaders to apply customary law, and provides for collective punishment. The government has agreed to repeal the FCR and integrate the FATA into KPK, but the necessary legislation had yet to pass through parliament at the end of 2017.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4 (+1)

A multiyear decline in terrorist violence continued in 2017, with a total of 1,260 people killed in terrorist incidents during the year, compared with 1,803 in 2016 and a peak of over 11,700 in 2009. The reduction is due in large part to the military's suppression of an Islamist insurgency in KPK and the FATA and the pacification of unrest in Karachi. Nevertheless, a separatist insurgency continued in Baluchistan, and Islamist militants were still able to stage high-profile attacks elsewhere in the country.

Civilians also face the threat of extralegal violence by state actors, including enforced disappearances. The number of pending cases of people registered as missing by an official commission of inquiry on enforced disappearances exceeded 1,500 at the end of 2017. Most victims were from KPK and typically had been held incommunicado by security and intelligence agencies on suspicion of terrorism, rebellion, or espionage. Although the commission tracks cases, it has refrained from attributing responsibility. In October, despite a stay order, the authorities secretly arrested and forcibly deported to Turkey a Turkish citizen and his family; the man had been an official at a chain of private schools that the Turkish government accused of links to the banned movement of U.S.-based preacher Fethullah Gülen.

The National Commission for Human Rights submitted a critical report on conditions in Pakistan as part of the UN Human Rights Council's Universal Periodic Review mechanism in 2017, but the commission lacks enforcement powers, and its work remains constrained by state interference and limited ability to monitor security and intelligence agencies.

Score Change: The score improved from 0 to 1 due to a steady decline in terrorism-related violence.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Women face discrimination in employment despite legal protections, and they are placed at a disadvantage under personal status laws. Women are also subject to a number of

harmful traditional practices and societal abuses, the perpetrators of which often enjoy impunity.

Other segments of the population that suffer legal or de facto discrimination and violence include ethnic and religious minorities, Afghan refugees, and LGBT (lesbian, gay, bisexual, and transgender) people. The penal code prescribes prison terms for consensual sex “against the order of nature,” deterring LGBT people from acknowledging their identity or reporting abuses. Members of the transgender and intersex community are authorized to register for official documents under a “third gender” classification recognized by the Supreme Court since 2009, and some transgender people were recognized in the 2017 census. However, transgender and intersex people continue to face targeted violence as well as discrimination in housing and employment.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

There are few legal limitations on citizens’ travel or their choice of residence, employment, or institution of higher learning. The authorities routinely hinder internal movement in some parts of the country for security reasons. The main tool for restricting foreign travel is the Exit Control List, which blocks named individuals from using official exit points from the country. It is meant to include those who pose a security threat and those facing court proceedings, though periodically it has been used as a way to control dissent. The list is currently shorter than before an overhaul in 2015, but it continued to provoke controversy when used against political figures during 2017.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or non-state actors? 2 / 4

In principle, Pakistan’s constitution, legal system, and social and religious values all guarantee private property and free enterprise. In reality, however, organized crime, corruption, a weak regulatory environment, and subversion of the legal system often render property rights precarious. Powerful and organized groups continue to engage in land grabbing, particularly in Karachi and Punjab.

Inheritance laws discriminate against women, and women are often denied their legal share of inherited property through social or familial pressure.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

In some parts of urban Pakistan, men and women enjoy personal social freedoms and have recourse to the law in case of infringements. However, traditional practices in much of the country subject individuals to social control over personal behavior and especially choice of marriage partner. “Honor killing,” the murder of men or women accused of breaking social and especially sexual taboos, remains common, with more than 400 cases documented during 2017. Most incidents go unreported. Successive attempts to abolish the practice, most recently in a 2016 law, have not been fully implemented.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Extreme forms of labor exploitation remain common. Bonded labor was formally abolished in 1992, and there have been long-standing efforts to enforce the ban and related laws against child labor. Gradual social change has also eroded the power of wealthy landowning families involved in such exploitation. Nevertheless, employers continue to use chronic indebtedness to restrict laborers' freedom of movement and hold actual earnings well below prescribed levels, particularly among sharecroppers and in the brick-kiln industry.

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