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FREEDOM IN THE WORLD

0

Pakistan

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TREND ARROW:

Pakistan received an upward trend arrow due to the successful transfer of power between two elected, civilian governments following voting that was deemed relatively free and fair.

OVERVIEW:

In 2013, for the first time in Pakistan's history, a democratically elected government completed its full term and was replaced by another through constitutionally mandated procedures. Elections for the National Assembly (NA)—the lower house of Parliament—and the four provincial assemblies took place on May 11. Although the elections featured intimidation and other flaws, they were relatively free, with vigorous competition and a high level of voter participation. The electoral process represented an improvement over previous balloting, having benefited from a number of reforms initiated after the 2008 elections. The outcome of the voting, which resulted in the formation of a national government by the Pakistan Muslim League–Nawaz (PML-N), formerly in opposition, was widely accepted. The new government took power on June 1.

During the year, three other vital state institutions experienced orderly leadership changes. A new president, Mamnoon Hussain, was elected on July 30 and assumed office on September 9, marking the first time an elected president completed his full term and was replaced by another. General Raheel Sharif succeeded two-term army chief General Ashfaq Pervez Kayani on November 29. Tassaduq Hussain Jilani became Pakistan's chief justice, replacing Iftikhar Muhammad Chaudhry on December 12.

Despite a visible strengthening of democratic processes, the country continued to suffer from multiple problems. In the month preceding the general elections, independent observers reported between 130 and 150 incidents of political violence resulting in more than 180 deaths. This intimidation, aimed at various parties and their supporters, skewed the playing field and affected turnout and participation in some areas. Broader violence

2014 SCORES

STATUS

Partly Free

FREEDOM RATING
(1 = BEST, 7 = WORST)

4.5

CIVIL LIBERTIES
(1 = BEST, 7 = WORST)

5

POLITICAL RIGHTS
(1 = BEST, 7 = WORST)

4

involving terrorist, insurgent, and sectarian groups killed more than 3,000 people in 2013, with civilians accounting for most of the fatalities.

The new government, led by Prime Minister Nawaz Sharif, announced plans for peace negotiations with the Tehrik-i-Taliban Pakistan (TTP, or Pakistani Taliban) in October. However, the Islamist militant group's commander, Hakimullah Mehsud, was killed on November 1 in an apparent U.S. drone strike, casting doubt on the viability of such a dialogue. Drone strikes remained a source of resentment in many sections of the country. A reported drone attack on a religious seminary in Hangu District, Khyber Pakhtunkhwa (KPK), on November 21 prompted the KPK provincial government to organize a demonstration against the attack and block supply routes used by North Atlantic Treaty Organization (NATO) forces in Afghanistan. A perception persists that U.S. missile strikes encourage reprisal attacks by the TTP and other militants, fueling more unrest in the country. Structural and societal impediments to freedom persisted, especially in relation to women, and non-Muslim minorities.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Political Rights: 21 / 40 (+1) [Key]

A. Electoral Process: 7 / 12 (+1)

Pakistan consists of four provinces (Balochistan, KPK, Punjab, and Sindh) and two federal territories (the Federally Administered Tribal Areas, or FATA, and the Islamabad Capital Territory).

The Parliament (Majlis-i-Shoora) is bicameral, with a 342-member NA and a 104-member Senate. The latter is intended to provide equal representation to all units of the federation. The constitution envisages a parliamentary system of government headed by a prime minister, to be elected from the NA. An electoral college consisting of the Senate, the NA, and the provincial assemblies elects the president for up to two five-year terms.

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. Parties fill the non-Muslim seats in proportion to the number of seats they win nationwide. The provincial assemblies employ a similar electoral system. The provincial assemblies elect senators for six-year terms, with half of the seats up for election every three years.

The 2013 general elections were held under an improved legal and regulatory framework. After the 2008 elections, three amendments to the constitution were introduced to establish a parliamentary procedure for appointing national and provincial caretaker governments and the leadership of the Election Commission of Pakistan (ECP).

These improvements and extensive consultations that the ECP undertook with political parties and civil society in the months preceding the elections led to increased confidence in the neutrality of the relevant institutions.

The ECP also took a number of measures to streamline the election process, including an update of the voter rolls. About 37.2 million names were eliminated from the rolls, and approximately 36.7 million were added. The ECP introduced a service through which citizens could check their registration status, electoral district, and polling station location via mobile-telephone text messages.

Yet a number of weaknesses in the electoral process persisted. The candidacy requirements remained vague and subjective. Potential candidates were rejected on grounds including inadequate knowledge of Islamic teachings or a reputation for “bad” character. Procedural issues related to the counting of results and the lack of a proper dispute-resolution system also continued to undermine the system. The most serious problem was the lack of state capacity to guarantee law and order during the pre-election period. According to a report by the Islamabad-based Pak Institute for Peace Studies (PIPS), 298 people died and 885 were injured in election-related violence between January 1 and May 15.

Despite these concerns, prominent international and domestic election observers judged the elections favorably. 55 percent voter turnout was high in comparison with the last elections. There was active competition and campaigning by the parties and candidates. A number of parties that boycotted the 2008 elections contested in 2013. However, parties identified as secular—the Awami National Party (ANP) in KPK, and the PPP and the Muttahida Quami Movement (MQM) in Sindh—were subjected to intimidation by nonstate actors like the TTP, curtailing their capacity to campaign effectively.

Voters gave a clear mandate to the PML-N to replace the ruling Pakistan People’s Party (PPP) at the federal level. The PML-N took 126 of the directly elected seats in the NA, followed by the PPP with 31 and Pakistan Tehreek-e-Insaf (PTI) with 28. Various smaller parties took less than 20 directly elected seats each. The PML-N formed a governing majority with the help of allied independents, and Nawaz Sharif became prime minister.

At the provincial level, the PML-N won in Punjab, the PPP formed a government in Sindh, and a coalition led by the National Party assumed power in Balochistan. In KPK, a PTI-led coalition took office.

B. Political Pluralism and Participation: 9 / 16

Pakistan has a thriving multiparty system. Notwithstanding election-related violence, parties actively campaigned across the country in 2013. Many rallies and processions came under attack, but the campaigning continued. The elections were also highly competitive. An average of 17 candidates contested each NA seat. These were the first elections in which parties could field candidates in the FATA. Party organization in the region was previously forbidden, meaning

independents were elected based largely on tribal loyalty.

The success of the PTI, which had boycotted the last elections, demonstrated that the political system is open to the rise of new parties. Nonetheless, parties continue to be characterized by lack of internal democracy and transparency. Most party funds are generated through private, opaque means. Parties usually rely on charismatic leadership by individual personalities or political dynasties. Tribal and community loyalties play a powerful role in determining voters' choices.

Political participation is severely undermined by intimidation from nonstate actors, such as the TTP and associated Islamist militant groups. Baloch insurgents also carried out attacks, killing 14 people and injuring 78. The militant violence affected campaigning especially in KPK, Balochistan, the FATA, and Karachi, the capital of Sindh.

Clashes between political parties are also endemic. During the 2013 elections, according to PIPS, 97 such incidents took place, in which 128 leaders and workers of different political parties were killed. Karachi alone suffered 70 violent incidents of this kind.

Women remain underrepresented in all spheres of the electoral process. Only 44 percent of registered voters in the 2013 electoral rolls were women. According to the European Union observer mission, that translates into nearly 11 million unregistered women. Though the number of women candidates was nearly double the figure from 2008, it still was an abysmal 2.9 percent of the candidates for general seats. The ECP lacked female representation, and less than 2 percent of its staff members were women. Women were stopped from voting by local leaders in many constituencies in the FATA, KPK, and Punjab. Some polling stations for women reported zero turnout.

The participation of non-Muslims in the political system continues to be minimal. Few ran for the general seats in 2013, and only one was elected. Political parties nominate members to the 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, continue to face political discrimination and are registered on a separate voter roll. Ahmadi representatives boycotted the 2013 elections.

C. Functioning of Government: 5 / 12

Three constitutional amendments adopted after the 2008 elections considerably reduced the powers of the indirectly elected president, in part by removing his authority to unilaterally dismiss elected governments. The changes restored the primacy of Parliament in Pakistan's political system. The election of a relatively unknown president in 2013 reflected the diminished stature of the office.

The role of the military in determining government policy

also seems to have waned. General Kayani, who stepped down in November, was the longest-serving army chief in Pakistan's history to have never overturned a civilian government. By selecting a relative outsider to replace him, the new prime minister asserted his independence from the military command. In addition, Khawaja Muhammad Asif, once a fierce critic of the army, was appointed as defense minister. The new government's decision to put former military ruler Pervez Musharraf on trial for treason, despite strong sentiment in the army against the move, signaled an attempt to further affirm civilian control.

Notwithstanding these important changes, the military retains considerable autonomy and influence in matters of national security, foreign policy, and some elements of economic policy. The army remains the most powerful institution in the country.

Corruption, lack of accountability, and lack of transparency are pervasive problems at all levels of government, politics, and the military. Pakistan was ranked 127 of 177 countries assessed in Transparency International's 2013 Corruption Perceptions Index. The National Accountability Bureau has made little progress in tackling official graft, due largely to inadequate political will and institutional capacity. High-profile corruption cases against former president Asif Ali Zardari, reopened by the Supreme Court in 2012, are still under way. Procedural delays are a hallmark of such investigations.

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. Over the last decade, its reach has extended to a large audience. There are about 90 television channels, 160 radio stations, and 200 daily newspapers. The English-language media primarily target the urban elite, while the Urdu media are read and viewed by the urban middle classes and rural population. The latter outlets are more conservative and sensationalist.

Despite this diverse media landscape, Pakistan is one of the world's most dangerous places for journalists. They are targeted by nonstate actors such as terrorists and criminals, as well as by political, military, and intelligence operatives. In 2013, reports of killings, threats, and kidnappings continued. According to International Federation of Journalists, 10 journalists were killed during the year. An investigative journalist with a leading weekly, the Friday Times, was abducted by Karachi police personnel on August 30, and although the incident was widely reported, no action was taken.

Media comes under censorship of both state and nonstate actors regularly. The constitution authorizes the government to curb speech on subjects pertaining to the armed forces, the judiciary, and religion. Blasphemy laws are occasionally used against the media.

During the elections, many media organizations and personalities received threats from the TTP and other militant organizations for failing to publish their unedited

anti-election edicts. Media outlets in Karachi were especially affected. In Balochistan, most popular cable channels had to be taken off the air before the elections, due to pressure from the nonstate actors.

In October, the Shura-e-Mujahedeen, a TTP affiliate, reissued a year-old edict against several radio stations and popular political talk-show hosts, accusing them of promoting secular and Western values and spreading anti-Muslim propaganda. The state did not provide an adequate response or protection in these cases.

Online media has grown in reach and popularity in recent years. Pakistanis can use the internet to access foreign and independent news services. Political parties and organizations routinely disseminate their information online. However, access to the internet is subject to restrictions by the government. More than 200,000 websites are banned in the country because of their allegedly anti-Islamic, pornographic, or blasphemous content. Access is also restricted for security reasons. After an anti-Islamic video on YouTube sparked protests across the Muslim world in 2012, the site was blocked, and the blocking remained in place during 2013. In October, the popular online movie database IMDb was blocked without explanation for two days. Mobile telephony is sometimes restricted on security grounds during religious or national holidays.

Pakistan is an Islamic republic. Although the constitution provides for freedom of religion and the protection of minorities, violations by the government as well as nonstate actors are fairly common and rarely punished. 2013 was a particularly bad year for minorities. Bombings targeting Shiites and Christians occurred throughout the year. In January, explosions aimed at the Shiite Hazara minority killed roughly 150 people in Quetta and Swat. Lashkar-e-Jhangvi (LeJ), a Sunni Deobandi terrorist group, claimed responsibility for the Quetta blasts and a series of other attacks on the same community over the following months. In another high-profile incident, suicide attacks on a church in Peshawar killed 86 Christians in September.

Discriminatory legislation, particularly blasphemy laws, exacerbate religious extremism and vigilantism. In March 2013, a crowd burned down a Christian area in Lahore after a resident was accused of blasphemy.

Education is not free of political indoctrination. Pakistan's primary and secondary public schools as well as privately run religious seminaries use textbooks that promote prejudice and intolerance of religious minorities. In colleges and universities, the student wings of political parties and Islamist groups use intimidation to impose their beliefs, including Islamic codes of conduct. In the FATA and KPK, female access to education is under constant threat. In an egregious attack, fourteen female students of Sardar Bahadur Khan Women's University were killed and more than twenty injured in June, when LeJ blew up a bus in Quetta.

A 2013 decision by a Lahore school to teach its students a course on comparative religion came under criticism from both the provincial government and elements in civil

society who suspected a conspiracy to convert students to other religions.

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

The constitution guarantees the rights to associate, demonstrate, and organize, but in practice the government often imposes arbitrary restrictions. Such official obstacles were less common during 2013, which featured many large demonstrations and gatherings, including during the election campaign. However, public assemblies were repeatedly targeted by nonstate militant groups during the year, killing hundreds of people.

The authorities generally allow nongovernmental organizations (NGOs) to function, including those that are highly critical of the government. Nevertheless, such groups face a number of challenges when working in violence-prone areas in the FATA, KPK, and Balochistan. Radical Islamist groups frequently threaten and attack NGOs devoted to female education and empowerment. A polio vaccination drive undertaken by international entities like the World Health Organization (WHO) and the UN Children's Fund (UNICEF) has been denounced by the TTP as a Western plot to sterilize Muslims. Over 30 polio workers have been murdered by them since mid-2012. Separately, several charitable and cultural organizations operating from Pakistan have links to Islamist militant groups.

The right of workers to organize and form trade unions is recognized in law. The constitution also grants unions the rights to collective bargaining and to strike. However, many groups are excluded from these protections: teachers, agricultural workers, those associated with the armed forces, state employees other than railway and postal workers, the security staff of airlines and energy companies, public-sector health workers, and workers in export-processing zones. These excluded groups make up approximately 60 percent of the country's workforce employed in the formal sector. The procedures that need to be followed for a strike to be legal are onerous. Nevertheless, strikes are organized regularly. Employers usually respond by harassing and firing workers for union activity. Nearly 70 percent of the workforce is employed in the informal sector and is not represented by unions.

F. Rule of Law: 4 / 16

Pakistan's judiciary consists of a Supreme Court, Provincial High Courts, and other lower courts that exercise civil and criminal jurisdiction. After the 18th and 19th constitutional amendments were adopted in 2010, a judicial commission and a parliamentary committee were established to oversee judicial appointments and reduce the chances of political interference.

Over the last decade, the higher judiciary has become comparatively free of the problems that are endemic in the broader justice system, including corruption, intimidation, a large backlog of cases, and political interference. Under Chief Justice Chaudhry, who retired in December 2013, the higher judiciary took on an activist role, which helped it assert its independence but also

caused tensions with the political branches. By the end of the year, with a new democratic government and a new chief justice in place, the relationship between the branches appeared to have become less adversarial.

The 2009 National Judiciary Policy attempted to tackle inefficiency in the lower judiciary. Though its focus on speedy adjudication has reduced the courts' backlog, in many cases the policy has undermined the quality of justice by weakening due process safeguards, including through the use of special venues such as antiterrorism courts.

While the main court system operates on the basis of common law, parallel legal systems employ Sharia (Islamic law) and tribal law. A separate Federal Shariat Court is empowered to determine whether a provision of law goes against Islamic injunctions.

The FATA are governed by the president and federal administration under the Frontier Crimes Regulation (FCR), outside the jurisdiction of the Pakistan Supreme Court and Parliament. The FCR authorizes tribal leaders to administer justice according to Sharia and tribal custom, and despite amendments made to the regulation in 2011, it retains provisions that allow collective punishment of tribes for transgressions by individual members.

The existence of different legal systems results in unequal treatment. Moreover, many communities resort to informal, traditional forms of justice due to the inefficiency of the formal courts, leading to arbitrary and unjust decisions.

The police, the military, and the intelligence services continue to enjoy impunity for indiscriminate or excessive use of force. Extrajudicial killings, enforced disappearances, torture, and other abuses are common. Two ordinances issued in October 2013 expanded the power of law enforcement agencies to engage in detention without trial, electronic surveillance, searches and seizures, and the use of deadly force, ostensibly to combat terrorism and other serious crimes.

Enforced disappearances, particularly in Balochistan, remain a serious problem, highlighted during 2013 by a report from the UN Working Group on Enforced or Involuntary Disappearances, a separate report by the Human Rights Commission of Pakistan, and a 26-day march by families and friends of missing persons from Quetta to Karachi in October. Some victims were suspected of links to radical Islamist groups, and the abductions have also affected Balochi and Sindhi nationalists, journalists, researchers, and social workers.

A number of armed militants belonging to radical Sunni groups, with varying agendas, continued to attack foreign, government, and religious minority targets, as well as aid workers and human rights advocates, killing hundreds of civilians. There was no decline in the sectarian violence between the Sunni and Shiite groups.

Baloch activists continue to seek enhanced political autonomy, or outright independence, and more local control over Balochistan's natural resources. Armed

Baloch militants carry out attacks on infrastructure, security forces, and non-Baloch teachers and educational institutions, while the army's counterinsurgency operations have led to increasing human rights violations and the displacement of civilians.

Ethnic violence in the city of Karachi is exacerbated by political rivalry between the traditionally dominant MQM, founded to represent refugees from India who came to Pakistan after 1947; the ANP, representing ethnic Pashtun migrants; and the PPP, which is allied with Baloch gangs. The criminal gangs that carry out much of the violence, regularly extort money from businesses in Karachi, Pakistan's economic hub.

According to the UN refugee agency, Pakistan hosts over 1.6 million registered Afghan refugees. A large number is unregistered. These populations are vulnerable to extortion, illegal detention, and harassment, and they are unable to work legally.

Pakistan has a number of religious, ethnic, and linguistic minorities and other marginalized groups. Multiple forms of discrimination are common. Non-Muslim religious minorities are especially exposed to violent attacks and legal persecution under blasphemy laws. The penal code makes it a criminal offense for Ahmadis to call themselves Muslims "directly or indirectly," to preach or propagate their faith, to outrage Muslims' religious feelings, or to refer to their places of worship as mosques.

Members of Pakistan's transgender and intersex community are authorized to register for official documents under a "third gender" classification recognized by the Supreme Court in 2009. In another 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 continues to face 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 from acknowledging their orientation or reporting abuses.

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. One exception affects Ahmadis, who are obliged to deny their faith to obtain a passport. Practical constraints on freedom of movement and related rights are common, ranging from insecurity and corruption to societal taboos. These are more pronounced in the case of women.

Pakistan's rampant corruption, weak regulatory environment, and ineffective legal system undermine property rights and economic freedom. The military controls a disproportionate share of the country's economy. Exploitative forms of labor remain common. Though bonded and child labor are outlawed, they are widespread in practice.

A number of reforms have been enacted in recent years to

improve conditions for women. A 2010 law offered protections against workplace harassment, legislation passed in 2011 criminalized various forms of forced marriage, provided specific punishments for acid attacks, and addressed inheritance issues for women. In 2012, the National Commission on the Status of Women was made a permanent body tasked with monitoring implementation of relevant legislation and investigating violations.

The implementation of these 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 Balochistan.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

[Full Methodology](#)

EXPLANATORY NOTE:

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

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