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Freedom House

Freedom in the World 2022 - Pakistani Kashmir*

NOT FREE

29

/ 100

[Political Rights](#) 9 / 40[Civil Liberties](#) 20 / 60

LAST YEAR'S SCORE & STATUS

28 / 100 Not Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

* Indicates a territory as opposed to an independent country.

Note

Freedom in the World reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview

Pakistani Kashmir is administered as two territories: Azad Jammu and Kashmir (AJK) and Gilgit-Baltistan (GB). Each has an elected assembly and government with limited autonomy, but they lack the parliamentary representation and other rights of Pakistani provinces, and Pakistani federal institutions have predominant influence over security, the courts, and most important policy matters. Politics within the two territories are carefully managed to promote the idea of Kashmir's eventual accession to Pakistan. Freedoms of expression and association, and any political activity deemed contrary to Pakistan's policy on Kashmir, are restricted.

Key Developments in 2021

- In February, the Pakistani and Indian armies agreed to restore the 2003 cease-fire across the Line of Control (LoC). This agreement came after five years of sporadic fighting that caused civilian casualties and local displacement in AJK; the renewal of the cease-fire allowed for significant normalization of civilian life in the areas adjoining the LoC.
- Legislative elections were held in AJK in July. Pakistan's ruling party, the Pakistan Tehreek-e-Insaf (PTI) took 32 of 53 seats; the new legislature elected PTI representatives Abdul Qayyum Niazi and Barrister Sultan Mahmood as prime minister and president, respectively.
- GB's constitutional status remained unchanged but maneuvering to give it provisional status as a Pakistani province continued. The Pakistan Law Ministry drafted a constitutional amendment to prepare for potential future change to GB's status.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections? **1 / 4**

Both AJK and GB have locally elected executive leaders. However, the Pakistani government also controls—directly and indirectly—key executive functions, and it is not accountable to voters in the two territories.

Under AJK’s 1974 interim constitution, a president elected by the Legislative Assembly serves as head of state, while the elected prime minister is the chief executive. After the July 2021 election, which saw the PTI win a majority in the assembly, PTI representative Abdul Qayyum Niazi was elected as prime minister; he had been nominated to the position by the Pakistani Prime Minister and overall PTI head Imran Khan. Barrister Sultan Mahmood, a veteran politician and AJK head of the PTI, was elected to the presidency.

An AJK Council based in Pakistan’s capital, Islamabad, comprises both Kashmiri and Pakistani officials and is chaired by the Pakistani prime minister. The council holds a number of executive, legislative, and judicial powers, such as control over the appointment of superior judges and the chief election commissioner.

Under the Government of Gilgit-Baltistan Order 2018—adopted by the Pakistani government to replace GB’s previous basic law, the 2009 Gilgit-Baltistan Empowerment and Self-Governance Order (GBESGO)—executive functions are shared between a Pakistani-appointed governor and a chief minister chosen by the GB Assembly (GBA). The governor signs legislation and has significant power over judicial appointments; the governor’s decisions cannot be overruled by the GBA. The order also grants extensive authority to the Pakistani prime minister, including exclusive executive and legislative powers on a long list of topics.

Khalid Khurshid Khan of the PTI was elected as GB chief minister in December 2020 after assembly elections returned a PTI majority. In 2018, the Pakistani Prime Minister appointed Raja Jalal Hussein Maqpoon, then PTI party chief in GB, as governor of the territory.

A2 0-4 pts

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

The AJK Legislative Assembly has 53 seats, including 45 directly elected general seats, 5 seats reserved for women, and 3 seats reserved for clerics, technocrats, and overseas Kashmiris; 12 of the general seats are elected by Kashmiri migrants resident in mainland Pakistan. Assembly elections were held in AJK in July 2021, with a 62 percent turnout. Most seats were filled by representatives of Pakistan’s main national political parties, though the AJK-based Muslim Conference and Jammu Kashmir People’s Party (JKPP) each took one seat. Pakistani Prime Minister Imran Khan’s PTI won a majority in the Assembly, with 26 elected seats, while the Pakistan People’s Party (PPP) won 11 seats and the Pakistan Muslim League–Nawaz (PML-N) filled 6. After the allocation of reserved seats, PTI obtained 32 out of 53 seats in the Assembly. This followed the well-established pattern for AJK and GB, whereby the party in power at the federal level in Pakistan tends to win elections in Pakistani Kashmir.

Isolated incidents of voting interference were reported following the 2021 elections, and three campaign workers were killed in election violence. The PML-N made allegations of poll rigging, but did not mount a sustained challenge to the election result.

The 33-member GBA is composed of 24 directly elected members, six seats reserved for women, and three seats reserved for technocrats. The GBA’s legislative authority is limited to certain subjects, and even discussion of some topics—foreign affairs, defense, internal security, and judicial conduct—is prohibited by the Government of Gilgit-Baltistan Order 2018. However, the order does allow the GBA to exercise legislative powers that were previously allocated to the Gilgit-Baltistan Council (GBC). The council, which now has an advisory role, is headed by the Pakistani prime minister and vice-chaired by the GB governor and includes six members chosen by the GBA and six Pakistani ministers or Parliament members chosen by the Pakistani prime minister. The GB chief minister also has a seat.

Elections to the GB Assembly were held in November 2020. The PTI emerged as the largest party, with 10 of the 24 directly elected seats. Several independents then opted to join the PTI, and after the reserved seats were filled through proportional representation, the party controlled 22 out of 33 seats. All the main Pakistani parties campaigned extensively in GB. The PPP and PML-N—which took five and three seats, respectively—both initially complained of election rigging and refused to accept the results, but they eventually took up their seats in the new assembly. Smaller parties secured the remaining three seats.

Neither AJK nor GB is represented in the Pakistani Parliament.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant 1 / election management bodies? 4

The electoral framework in both territories facilitates indirect control by the Pakistani authorities. For example, the AJK Council appoints the chief election commissioner, and the electoral system for the AJK Legislative Assembly disproportionately favors nonresident refugees over AJK residents. The nonresident elections are more vulnerable to manipulation by federal Pakistani authorities, and the party in office at the federal level tends to win these seats. Candidates in the AJK elections must formally endorse “the ideology of Pakistan” and Kashmir’s accession to Pakistan.

The election code of conduct for GB requires parties and candidates to refrain from any action or speech that could be deemed prejudicial to the “ideology of Pakistan” or the country’s security. Like the similar rule in AJK, this vague provision can be used to exclude candidates associated with nationalist parties or those disapproved of by the Pakistani authorities.

B Political Pluralism and Participation

B1 0-4 pts

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? 1 / 4

Politics in both AJK and GB are dominated by local branches of the main Pakistani parties and some local parties, such as AJK's Muslim Conference, that are closely allied with the Pakistani establishment. Small nationalist parties that are opposed to union with Pakistan are actively marginalized or barred outright from the political process, and they played no significant role in the 2020 GB elections, though one nationalist retained a seat. Activists accused of opposition to Pakistani rule have been subject to surveillance, harassment, and sometimes imprisonment. The interim constitution of AJK bans political parties that do not endorse the territory's eventual accession to Pakistan, and similar rules prevail in GB.

In December 2021, AJK authorities banned human rights activist Manzoor Pashteen, the leader of the Pashtun Tahafuz Movement (PTM), from entering the territory. The PTM, a social movement supporting Pashtun human rights, has been openly critical of the Pakistani state; AJK's ban reflects the position of Pakistani security agencies, which view PTM as operating with an anti-Pakistan agenda.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

There is ample precedent for transfers of power between the major parties, though these are typically dictated by parallel changes at the federal level in Pakistan.

Prior to the 2021 elections in AJK, the PML-N was the incumbent party in the region, while the PTI was the incumbent party in Pakistan. Both parties sought to leverage incumbency advantages in the 2021 elections, which were ultimately won by the PTI.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

Because voters in GB and AJK cannot participate in Pakistani elections, Pakistani federal officials and entities are not democratically accountable to them. Security agencies operating in both territories are federal institutions. They work to block and suppress any parties or politicians that adopt positions deemed to conflict with Pakistani interests.

B4 0-4 pts

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

Men and women have the right to vote in both territories. Although there is no bar on women contesting general seats, women rarely exercise this right in practice. Instead, general seats tend to be filled by men. The seats reserved for women are filled proportionally from party lists based on the general vote, meaning the parties themselves determine who will represent women's interests. In the 2020 GB elections, only four women stood for general seats.

Shiite Muslims, Sunni Muslims, and members of the Ismaili offshoot of Shia Islam are represented in the GBA, having won directly elected seats. The heterodox Ahmadi sect, which suffers systematic discrimination in Pakistan, is poorly represented in GB's political system, as is the Christian minority.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

The powers of the elected chief executives in AJK and GB are limited by the fact that the Pakistani prime minister, the Pakistani minister for Kashmir Affairs and Gilgit-Baltistan, and through them the federal civil service, exercise effective control over government operations in both territories. As in Pakistan, federal military and intelligence agencies also play a powerful role in governance and policymaking.

The territories lack any meaningful fiscal autonomy, as federal taxes are imposed on both, and they receive a share of the resulting funds from the federal government. The territories' local representatives are excluded from the Pakistani bodies that negotiate interprovincial resource allocation.

There has been a sustained debate on the idea of enhancing GB's status in the Pakistani constitution by designating it as a provisional province, granting its legislators powers on par with those delegated to Pakistan's four existing provinces, and giving GB representation in the federal Parliament. Despite significant opposition to a change in GB's status in both AJK and the Pakistani establishment, in 2019 the Pakistani Supreme Court instructed the Pakistani government to fully address GB's constitutional status. In August 2021, it was reported that Pakistan's Law Ministry had drafted a constitutional amendment that would allow residents of GB to elect members to Pakistan's National Assembly and extend the remit of Pakistan's Supreme Court and other federal institutions to the territory.

The debate continued in 2021, and in March, the GBA passed a resolution demanding that Pakistan grant GB provisional provincial status. However, decision-making authority regarding a new status remained concentrated in Islamabad rather than GB itself.

C2 0-4 pts

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

Both territories have formal safeguards against official corruption, and GB is within the jurisdiction of Pakistan’s National Accountability Bureau, which has a field office in Gilgit. However, as in Pakistan, corruption is believed to remain endemic, with enforcement actions subject to political influence.

C3 0-4 pts

Does the government operate with openness and transparency? 1 / 4

Transparency and access to government information are limited in practice. The AJK and GB governments have made gestures toward transparency by posting basic information about their operations online, but such disclosures remain infrequent and inadequate.

Add Q

Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group? -2

The Sunni Muslim share of the population in GB—historically a Shiite-majority region—has increased significantly in the decades since a pre-1947 rule was abolished to allow immigration from different parts of Pakistan. State agencies are suspected of deliberately encouraging this migration to engineer a demographic change. Under the 2009 GBESGO, settlers were given formal citizenship rights in GB; critics of a clause in the Government of Gilgit-Baltistan Order 2018 have argued that it appears to extend GB citizenship rights to all Pakistani citizens, further encouraging settlement. The pre-1947 restrictions on acquiring residency and citizenship are still in place in AJK and have assumed greater significance since the Indian authorities eased similar restrictions in Indian-administered Jammu and Kashmir in early 2020.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 1 / 4

AJK and GB are subject to laws that curb freedom of expression, particularly regarding reporting or commentary on the political status of the territories. Media houses need permission from the AJK Council and the federal Ministry of Kashmir Affairs and Gilgit-Baltistan to operate. A wide range of outlets are present and active. However, coverage of news and politics does not diverge from official Pakistani narratives, including the notions that India’s hold over the Kashmir Valley is illegitimate and all Kashmiris seek accession to Pakistan. This compliance is achieved through a mixture of censorship, self-censorship, and harassment. A number of outlets have faced closure by authorities in recent years.

D2 0-4 pts

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

Both territories have a predominantly Muslim population, and there is no official or social tolerance of nonbelief. Tools used to compel expressions of belief and conformity with official interpretations of religious doctrine include laws criminalizing blasphemy, rules requiring observance of Ramadan, and an obligation to denounce the heterodox Ahmadi sect to obtain a Pakistani passport. Although there is a history of Sunni-Shiite sectarian violence in GB, no major incidents have been reported in recent years.

D3 0-4 pts

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

Each territory is home to a growing education system, and education is much valued as a path to migration and employment. However, in academia there are acute sensitivities around the issue of constitutional status, and debate or materials questioning Pakistan’s claims over Kashmir are not tolerated. Student union activity has long been subject to state monitoring for signs of nationalist political views. Local languages and scripts are not taught in government schools. There is a history of attacks on schools in the Darel Valley by Islamist militants who oppose secular and girls’ education.

D4 0-4 pts

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

Federal intelligence agencies maintain a prominent and intrusive presence in both territories. Discussion of heterodox political or religious views consequently carries significant risks. The authorities have increased their monitoring of social media and sporadically punish expression of anti-Pakistan or separatist opinions.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 1 / 4

The authorities’ observance of freedom of assembly is highly discretionary. The Pakistani state traditionally uses AJK as a platform to protest against Indian control of Jammu and Kashmir and the treatment of the population on the Indian side of the LoC. Protests that do not directly challenge Pakistani control or the territories’ constitutional status are more likely to be tolerated. The authorities rely on harassment, intimidation, and the use of security checkpoints to deter protests in opposition to government policies.

In 2021, police were deployed to disperse both spontaneous and organized protests in AJK and GB, including an AJK teachers’ demonstration in Muzaffarabad and a protest demanding justice after a mass shooting in GB.

The main political parties were all able to campaign and hold large public meetings ahead of the 2021 AJK elections.

E2 0-4 pts**Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4**

Humanitarian nongovernmental organizations (NGOs) are subject to strict registration requirements and thus operate at the pleasure of the authorities. NGOs working on political or human rights issues face more intrusive government scrutiny and, in some cases, harassment.

E3 0-4 pts**Is there freedom for trade unions and similar professional or labor organizations? 2 / 4**

AJK is subject to labor laws similar to those in Pakistan. However, unions and professional organizations are frequently barred. Labor laws and union activities are poorly developed in GB.

F Rule of Law**F1 0-4 pts****Is there an independent judiciary? 1 / 4**

Both territories have nominally independent judiciaries, but the Pakistani federal government plays a powerful role in judicial appointments. On politically sensitive issues, the AJK and GB courts are not considered to operate with independence from the executive in Pakistan.

The president of AJK, in consultation with the AJK Council, appoints the chief justice of the territory’s Supreme Court. Other judges of the superior courts are appointed by the AJK president on the advice of the council, after consultation with the chief justice. The chief judge and other judges of GB’s Supreme Appellate Court are appointed for three-year terms by the prime minister of Pakistan on the recommendation of the governor. In its 2019 ruling on GB’s 2018 governance order, the Pakistan Supreme Court essentially extended its jurisdiction to GB residents and courts, adding to the legal ambiguity surrounding the territory’s constitutional status.

F2 0-4 pts**Does due process prevail in civil and criminal matters? 1 / 4**

The civilian court systems in both territories feature basic due process guarantees, including defense lawyers and a right to appeal, but arbitrary arrests and other violations are not uncommon, particularly in security-related cases. Pakistan’s Anti-Terrorism Act (ATA), which is often used to suppress dissent, includes vaguely defined offenses, allows extended detention without trial, and applies to juveniles, among other problematic features.

F3 0-4 pts**Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4**

Torture and deaths in custody at the hands of security forces have been reported, especially for independence supporters and other activists. Separately, armed extremist groups devoted largely to attacks on Indian-administered Jammu and Kashmir operate from AJK and GB and have links with similar factions based in Pakistan and Afghanistan.

A 2003 cease-fire agreement between the Indian and Pakistani armies was intended to protect AJK from attacks across the LoC. However, sporadic skirmishing continued, and during 2020, the two armies engaged in near-constant exchanges of fire after a 2019 suicide attack on the Indian side set off a period of intensified hostilities. Although some of the firing struck military targets, it was often directed at civilians; in 2020, Pakistan reported over 3,000 Indian violations of the cease-fire, which allegedly killed 28 civilians and injured more than 249 others.

The Indian and Pakistani armies renewed the cease-fire in February 2021, following extensive dialogue between the countries’ national intelligence agencies. Though some risk of physical violence along the LoC remains, the restored ceasefire held throughout the year, resulting in a significant improvement to civilian life in the area.

Score Change: The score improved from 1 to 2 because the restoration of the 2003 cease-fire across the Line of Control in February led to an end to firing and improved the living conditions of civilians.

F4 0-4 pts**Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4**

As in Pakistan, women in the territories face economic discrimination, disadvantages under personal status laws, and abusive customary practices, the perpetrators of which often enjoy impunity. LGBT+ people, members of ethnic minorities, and non-Sunni religious groups also suffer from discrimination, and Afghan refugees have encountered increased harassment and pressure to return to Afghanistan since 2015. Pakistani authorities have been reluctant to offer citizenship to migrants displaced from Indian-administered Jammu and Kashmir. These refugees have periodically been subjected to abuse and arbitrary arrest for demanding greater rights.

G Personal Autonomy and Individual Rights

G1 0-4 pts

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

The people of AJK and GB have Pakistani national identity cards and passports. They are internationally recognized as Pakistani nationals. However, there are reports of passports or passport renewals being denied for those suspected of questioning Pakistani control over the region. The territories’ heavy military presence and the threat of shelling and other violence along the LoC restricts internal movement for civilians. Residents and travelers also risk accidentally straying across the LoC and being stranded or detained.

G2 0-4 pts

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

AJK’s pre-1947 state subject law, which bars outsiders from seeking permanent residency, allows only legal residents to own property. In GB, residents have raised concerns about possible displacement by CPEC development projects, and at least some forcible evictions have been reported to date. Procedures for establishing private enterprises in the territories are onerous in practice.

G3 0-4 pts

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

In both territories, the legal framework criminalizes domestic violence and so-called honor killings, but harmful traditional practices related to sex, marriage, and personal behavior often prevail amid weak enforcement of formal protections, especially in more conservative areas. Informal justice mechanisms operating at the village level are the first point of recourse for many incidents involving sexual or domestic violence against women, and their judgments can inflict further harm on victims.

G4 0-4 pts

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

Both territories, but particularly GB, have historically been less economically developed than Pakistan, and their population has depended on labor migration to supplement incomes. The lack of local control over extractive industries prompts periodic complaints that residents are being deprived of the benefits of natural resources.

Child labor is known to occur, though the AJK government banned the practice by passing the Restriction of Employment of Children Act 2016 and amending it in 2017. Under this legislation, businesses in AJK cannot hire residents under the age of 17. Laws against sex and labor trafficking in general are poorly enforced.

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