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2013 Scores

Status: Partly Free
Freedom Rating: 4.5
Civil Liberties: 5
Political Rights: 4

Explanatory Note

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

Overview

In 2012, despite ongoing tensions between the civilian government, the military and intelligence agencies, and the judiciary, the government managed to remain in power, albeit with a change in prime minister in June. Societal discrimination and attacks against religious minorities and women, as well as weak rule of law and impunity, remained issues of concern. Journalists, human rights defenders, and humanitarian aid workers faced significant pressure and threats, particularly those whose work focused on sensitive topics such as Pakistan's blasphemy laws or abuses by security and intelligence agencies. The army's campaigns against Islamist militants in the tribal areas led to a range of human rights abuses, displacement of civilians, and retaliatory terrorist attacks across the country, while sectarian attacks, as well as violence in Balochistan and the city of Karachi, worsened during the year.

Pakistan was created as a Muslim homeland during the partition of British India in 1947, and the military has directly or indirectly ruled the country for much of its independent history. As part of his effort to consolidate power, military dictator Mohammad Zia ul-Haq amended the constitution in 1985 to allow the president to dismiss elected governments. After Zia's death in 1988, successive civilian presidents cited corruption and abuse of power in sacking elected governments headed by prime ministers Benazir Bhutto of the Pakistan People's Party (PPP) in 1990 and 1996, and Nawaz Sharif of the Pakistan Muslim League (PML) in 1993.

Sharif, who returned to power in the 1997 elections, was deposed in a military coup after he attempted to fire the army chief, General Pervez Musharraf, in 1999. Musharraf appointed himself "chief executive" (and later president), declared a state of emergency, and suspended democratic institutions. The 2002 Legal Framework Order (LFO) gave Musharraf effective control over Parliament and changed the electoral rules to the detriment of opposition parties. The regime also openly promoted progovernment parties, such as the newly formed Pakistan Muslim League Quaid-i-Azam (PML-Q), which captured the largest share of seats in the 2002 parliamentary elections and led the new government.

While he managed to contain the secular opposition over the next several years, Musharraf was less willing to rein in radical Islamist groups, with which the military traditionally had a close relationship. These groups gradually extended their influence from outlying regions like the Federally Administered Tribal Areas (FATA) to major urban centers, carrying out attacks on both military and civilian targets.

Tensions between Musharraf and the increasingly activist judiciary came to a head in 2007 when he suspended Iftikhar Chaudhry, the chief justice of the Supreme Court, sparking political unrest. When the court attempted to rule on the validity of Musharraf's victory in the October presidential election, he again took preemptive action and imposed martial law on November 3. The state of emergency was lifted in mid-December and an amended version of the constitution was restored. Following the December 27 assassination of former prime minister Bhutto, parliamentary elections were postponed until February 2008 and Bhutto's widower, Asif Ali Zardari, assumed de facto leadership of the PPP.

The PPP led the February voting, taking 97 of 272 directly elected seats in the National Assembly, followed by Sharif's PML-N with 71. The ruling PML-Q was routed, taking only 42 seats, and the Muttahida Majlis-i-Amal (MMA), an alliance of Islamic parties, was also severely weakened. At the provincial level, the PML-N triumphed in its traditional stronghold of Punjab, the PPP dominated in Sindh, and the Awami National Party (ANP), a secular and ethnic Pashtun group, won the most seats in North-West Frontier Province (NWFP).

In August 2008, Musharraf resigned as president in the face of impeachment efforts. The next month, Zardari won an indirect presidential election with 481 of the 702 votes cast; 368 national and provincial lawmakers abstained or boycotted the vote. In addition, the PPP and its allies gained a plurality in the March 2009 Senate elections. After Chaudhry was reinstated as chief justice, also in March, the Supreme Court began dismantling the actions taken by Musharraf, declaring them illegal and calling on Parliament to "regularize" them through ordinary legislation.

During 2010, tensions between the civilian PPP-led government, the judiciary, and the military persisted, as the government faced pressure from the military to replace Zardari, the judiciary repeated its calls for Zardari's old corruption cases to be reopened, and the military and intelligence agencies attempted to undercut the government's policies and decision making. Despite the government's increasingly tenuous hold on power in 2011 and 2012, it managed to remain in office through year's end amid a delicate power struggle between the politicians, military, and judiciary. In January 2012, the Supreme Court initiated contempt proceedings against Prime Minister Yousaf Raza Gilani, and he was found guilty in April of refusing to address corruption allegations against Zardari, prompting calls for his resignation. In June, the National Assembly voted to replace Gilani as prime minister with Raja Pervez Ashraf.

Armed conflict between the military and Islamist militants affiliated with the Tehrik-i-Taliban Pakistan (TTP, or Pakistani Taliban) network persisted during 2012, as did regular missile attacks by U.S. drone aircraft that killed militant leaders but also caused civilian casualties and stoked resentment among many Pakistanis. Meanwhile, a range of Islamist militant groups continued to

stage bombing and other attacks against official buildings, prominent politicians and military personnel, and religious ceremonies and places of worship. While the level of killings overall in 2012 remained roughly equivalent to the previous year, the number of civilians affected by the violence increased.

Political Rights and Civil Liberties

Pakistan is not an electoral democracy. A civilian government and president were elected in 2008, ending years of military rule, but the military continues to exercise de facto control over many areas of government policy. The political environment is also troubled by corruption, partisan clashes, and Islamist militancy, among other problems.

The lower house of the bicameral Parliament is the 342-seat National Assembly, which has 272 directly elected members and additional seats reserved for women (60 seats) and non-Muslim minorities (10 seats), all with five-year terms. The upper house is the 100-seat Senate, most of whose members are elected by the four provincial assemblies for six-year terms, with half up for election every three years. The president is elected for a five-year term by an electoral college consisting of the national and provincial legislatures, and cannot be elected for more than two consecutive terms. The Constitution (18th Amendment) Act of 2010 rescinded the president's right (granted by the 2002 LFO) to unilaterally dismiss the prime minister and the national and provincial legislatures and to impose a provincial state of emergency. The president also lost the power to appoint the head of the army and the chief election commissioner. The reforms were intended to strengthen the premiership and Parliament.

The 2008 parliamentary elections were not completely free and fair. A European Union observer mission noted the abuse of state resources and media, inaccuracies in the voter rolls, and rigging of the vote tallies in some areas. Opposition party workers faced police harassment, and more than 100 people were killed in political violence during the campaign period. However, private media and civil society groups played a significant watchdog role, and despite the irregularities, the balloting led to an orderly rotation of power that reflected the will of the people. In preparation for general elections scheduled for early 2013, an amendment to the Election Law passed in April 2011 was designed to strengthen the independence of the Election Commission and improve procedures for voter registration while limiting opportunities for rigging, and an amended code of electoral conduct and other rules designed to limit fraud and misuse of resources were announced in June 2012. However, concerns remained about revised electoral rolls and the possibility that a significant number of voters may not have been registered properly.

The institutional capacity and internal democratic structures of political parties – some of which are based more on personalities than ideologies or platforms – remain weak. Some political parties also have armed or militant wings, which led to continued concern in 2012 as turf battles among various factions worsened in Karachi, leading to the killings of a number of political activists.

A certain number of legislative seats are reserved for women and religious minorities at the national, provincial, and local levels. In some parts of the country, women have difficulty voting and running for office due to objections from social and religious conservatives, though women won an additional unreserved 16 National Assembly seats in the 2008 elections. At least 17 seats in the Senate are reserved for women, and religious minorities were allotted four seats in the Senate as part of the 18th Amendment. Members of the heterodox Ahmadiyya sect, who consider themselves Muslims but are deemed a non-Muslim minority by the constitution, largely boycotted the 2008 elections to protest this official designation.

The FATA are governed by the president through unelected civil servants, though elected local councils were set up in 2007. In another positive step, a system introduced in August 2012 gave

local government bodies greater autonomy in financial, administrative, and legislative matters, as well as the ability to levy taxes.

Pakistan's government operates with limited transparency and accountability, though this has improved with the resumption of civilian rule. The military has a stake in continuing to influence both commercial and political decision-making processes, in addition to its traditional dominance of foreign policy and security issues. Serving and retired officers have received top jobs in ministries, state-run corporations, and universities, and they enjoy a range of other privileges. A tenth of all civilian jobs remain reserved for officers.

Corruption is pervasive at all levels of politics and the bureaucracy, and oversight mechanisms to ensure transparency remain weak. Hundreds of politicians, diplomats, and officials, including President Asif Ali Zardari, were granted immunity in ongoing corruption cases under the 2007 National Reconciliation Ordinance (NRO). Though the Supreme Court revoked the NRO in 2009 and upheld this decision in a 2011 ruling, prosecution of reopened cases remains uneven and ineffective. In March 2012, the Supreme Court ordered that a key corruption case against the president be reopened. However, also during the year, Chief Justice Iftikhar Chaudhry, who has been at the forefront of initiating corruption investigations against elected politicians, faced allegations that he had intentionally overlooked his son's corrupt relationship with the prominent and politically connected businessman Malik Riaz. Pakistan was ranked 139 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index. Transparency International's local branch in Pakistan continued to face harassment and threats over its efforts to monitor the disbursement of foreign aid, as well as to highlight corrupt practices under the Zardari administration. In general, Pakistan has an extremely low level of tax collection, as many of the country's wealthiest citizens, including members of Parliament, use legal loopholes to avoid paying taxes. A December 2012 report by Pakistan's Center for Investigative Journalism found that around 70 percent of current lawmakers did not file tax returns the previous year.

Pakistan's outspoken newspapers and private television stations present a diverse range of news and opinion. However, powerful figures, including military officials and members of the higher judiciary, attempt to silence critical reporting, and the very high level of violence against journalists continued in 2012. The constitution and other laws authorize the government to curb speech on subjects including the armed forces, the judiciary, and religion. Blasphemy laws are occasionally used against the media, and since 2010 broadly defined contempt laws have increasingly been employed to restrict reporting on particular court cases or judges. The government also continued to engage in efforts to suspend and temporarily block broadcasts or otherwise restrict media content related to certain extremist groups, as well as political satire. In August, the Supreme Court ordered the broadcast regulatory body to define obscenity in order to be able to censor media content.

According to the Committee to Protect Journalists, at least seven journalists were murdered because of their work in 2012, making Pakistan the world's third-deadliest country for members of the press. Impunity in cases concerning murdered journalists remains the norm. Intimidation by the security forces – including verbal threats, physical attacks, and arbitrary, incommunicado detention – continues to occur, as do harassment and attacks by Islamic fundamentalists and hired thugs working for feudal landlords or local politicians. A number of reporters covering the conflict between the military and Islamist militants in Khyber Pakhtunkhwa (or KP, as NWFP was renamed in 2010) and the FATA were detained, threatened, expelled, or otherwise obstructed in 2012, by either government forces or militants. Conditions for journalists in Balochistan also remained grim.

While websites addressing sensitive subjects, particularly Balochi separatism, have routinely been blocked by the authorities, starting in 2010 the government moved more aggressively to block

"blasphemous" material. This trend continued in 2012, affecting websites as well as mobile phone content, and including more material of a political nature. The social-networking website Twitter was blocked briefly in May, and in September, in response to protests sparked by a video concerning the prophet Muhammad, the Supreme Court ordered a block of the video-sharing website YouTube, which remained in place at year's end.

Pakistan is an Islamic republic, and there are numerous legal restrictions on religious freedom. Violations of blasphemy laws draw harsh sentences, including the death penalty, and injuring the "religious feelings" of individual citizens is prohibited. Incidents in which police take bribes to file false blasphemy charges against Ahmadis, Christians, Hindus, and occasionally Muslims continue to occur, with several dozen cases reported each year. No executions on blasphemy charges have been carried out to date, but accusations or the charges alone can lead to years of imprisonment, ill-treatment in custody, and extralegal persecution by religious extremists or mob violence. Aasia Bibi, a Christian woman sentenced to death for blasphemy in 2010, remained in jail pending an appeal. Meanwhile, the arrest of a 14-year-old mentally impaired girl, Rimsha Masih, on blasphemy charges in August 2012 led to widespread condemnation; several hundred Christian families in her neighborhood were then forced to flee their homes as a result of the case. The Islamabad High Court dismissed the case in November. Religious hard-liners have argued that even advocacy of reforming the blasphemy laws constitutes an act of blasphemy. In 2011, two reformist PPP politicians – Punjab governor Salman Taseer and Shahbaz Bhatti, the minister for minorities affairs and a Christian – were murdered after they spoke out against abuse of the blasphemy laws, and others have faced death threats and legal harassment.

The penal code severely restricts the religious practice of Ahmadis, who comprise a small percentage of the population, and they must effectively renounce their beliefs to vote or gain admission to educational institutions. Authorities occasionally confiscate or close Ahmadiyya publications and harass their staff, and dozens of Ahmadis faced criminal charges under blasphemy or other discriminatory laws during 2012.

Religious minorities also face unofficial economic and social discrimination, and they are occasionally subject to violence and harassment. In a growing trend, particularly in Sindh Province, Hindu girls are kidnapped, forcibly converted to Islam, and compelled to marry their kidnappers. Terrorist and other attacks on places of worship and religious gatherings occur frequently, leading to the deaths of dozens of people every year. There has been a notable upsurge in violence between members of the Sunni Muslim majority and the Shiite Muslim minority since 2009, with largely Shiite ethnic Hazaras in Balochistan facing particular threats during 2012. Recent waves of attacks on Christians have also been attributed to the spread of Sunni extremist ideology.

The government generally does not restrict academic freedom. However, the university cadres of political parties and Islamist groups intimidate students, teachers, and administrators; aim to impose "Islamic" moral codes by blocking certain types of classes or behavior; and try to influence university policies. Schools and female teachers, particularly in the FATA and KP, continue to face threats and attacks by Islamist militants. In October 2012, Malala Yousufzai, a teenage activist for girls' education, was shot in the head and seriously injured by the Taliban, provoking international condemnation.

The rights to freedom of assembly and association are selectively upheld. Authorities sometimes restrict public gatherings, disperse protests with excessive force, and use preventive detention to forestall planned demonstrations. However, such tactics were employed less in 2012 than in previous years.

Authorities generally tolerate the work of nongovernmental organizations (NGOs) and allow them to publish critical material. However, NGOs that focus on female education and empowerment, and female NGO staff in general, have faced threats, attacks, and a number of murders by radical Islamists, particularly in the FATA and KP. Citing security concerns, the government has at times prevented aid groups from operating in Balochistan, exacerbating the province's humanitarian situation, and access to KP and the FATA remains challenging. Working or commenting on issues concerning blasphemy or the intelligence services has become more risky for both local and international activists, and attacks on human rights defenders also appeared to be on the rise. Pakistan is home to a large number of charitable or cultural organizations, such as the Jamaat-ud-Dawa, that have links to Islamist militant groups.

An April 2010 constitutional amendment placed labor law and policy under the purview of the provinces. Provincial labor laws allow workers to form and join trade unions, but place restrictions on union membership, the right to strike, and collective bargaining, particular in industries deemed essential. Although protests and strikes occur regularly, many workers have been fired for union activity, and union leaders have faced harassment. Illegal bonded labor is widespread, though the authorities in 2012 continued efforts to combat the practice in the brick-kiln industry. Enforcement of child labor laws remains inadequate; recent surveys have indicated that there are at least 10 million child workers in Pakistan.

The judiciary consists of civil and criminal courts and a special Sharia (Islamic law) court for certain offenses. Lower courts remain plagued by corruption, intimidation, and a backlog of more than a million cases that results in lengthy pretrial detention. The 2009 National Judicial Policy aimed to tackle all three problems, and appears to have had some positive effects, with backlogs dramatically reduced in certain provinces.

Provisions of the 18th Amendment granted power over judicial appointments to a judicial commission rather than the president, and the 19th Amendment further strengthened the role of the chief justice and other senior judges in the commission and appointments process. However, tensions between the judiciary and the executive persisted in 2012. The Supreme Court continued to push for the revival of corruption cases against Zardari and engaged in activism in politically popular cases concerning blasphemy and economic policy. Observers voiced concern that the judiciary was becoming increasingly close to the army, supporting its agenda while trying to undermine the executive.

Other parts of the judicial system, such as the antiterrorism courts, operate with limited due process rights. The Sharia court enforces the 1979 Hudood Ordinances, which criminalize extramarital sex and several alcohol, gambling, and property offenses. They provide for Koranic punishments, including death by stoning for adultery, as well as jail terms and fines. In part because of strict evidentiary standards, authorities have never carried out the Koranic punishments. The justice system in the FATA is governed by the Frontier Crimes Regulation, which allows collective punishment for individual crimes and preventive detention of up to three years. It also authorizes tribal leaders to administer justice according to Sharia and tribal custom. In designated parts of the Provincially Administered Tribal Areas – districts of KP and Balochistan outside of federal and provincial legislative and judicial control – Sharia is imposed under the 2009 Nizam-e-Adl regulation, and judges are assisted by Islamic scholars.

Feudal landlords and tribal elders throughout Pakistan adjudicate some disputes and impose punishments – including the death penalty and the forced exchange of brides between tribes – in unsanctioned parallel courts called jirgas. Human rights groups have noted that such jirgas impose hundreds of death sentences each year, the majority on women. Militants in the tribal areas and parts of KP have reportedly set up their own courts, enforcing a strict interpretation of Islamic law and dispensing harsh penalties with little regard for due process.

Police and other security services routinely engage in excessive force, torture, extortion, arbitrary detention, rape of female detainees, and extrajudicial killings. Conditions in the overcrowded prisons are extremely poor, and case backlogs mean that the majority of inmates are awaiting trial. Feudal landlords, tribal groups, and some militant groups operate private jails where detainees are regularly maltreated. While a number of cases are investigated and some prosecutions do occur, impunity for human rights abuses remains the norm. In a positive step, in May 2012 Zardari authorized the creation of an independent National Human Rights Commission, which would be empowered to monitor human rights conditions, investigate cases of violations, and provide recommendations to the government. However, critics raised concern that the new body would not be able to address violations committed by the military or intelligence agencies.

The high number of cases of "disappearance," in which people are illegally detained incommunicado by state agencies, continued to be a key issue of concern, with hundreds of unresolved cases pending. Some victims were suspected of links to radical Islamist groups, but such detentions have also affected Balochi and Sindhi nationalists, journalists, researchers, and social workers. The military's powerful Directorate for Inter-Services Intelligence (ISI), which operates largely outside the control of civilian leaders and the courts, has faced intermittent pressure from the Supreme Court to end the practice of secret detentions, but the court's ability to resolve cases has been mixed. In 2012, the Supreme Court held ongoing hearings for a case regarding the role of the paramilitary Frontier Corps in disappearances in Balochistan. While official commissions of inquiry established by the government to trace individual cases have also had limited success, new cases continued to be reported. According to the Human Rights Commission of Pakistan (HRCP), an NGO, of the 87 new disappearances reported in 2012, 72 individuals were traced or eventually released.

Tens of thousands of armed militants belonging to radical Sunni Islamist groups have varying agendas and carry out terrorist attacks against foreign, government, and religious minority targets, killing hundreds of civilians each year. Sunni and Shiite groups engage in tit-for-tat sectarian violence, mostly bomb attacks against places of worship and religious gatherings. The New Delhi-based South Asia Terrorism Portal (SATP) reported that 507 people were killed and 577 were injured in sectarian violence in 2012, a substantial increase from the previous year.

The military's campaigns against Islamist fighters in the tribal areas since 2002 have been accompanied by human rights abuses, and missile strikes attributed to U.S. drone aircraft have reportedly killed or injured civilians along with their intended targets. In total, more than 340 people were killed by alleged drone attacks in 2012. The authorities are sponsoring tribal militias, or lashkars, to help control the FATA, creating yet another unaccountable armed force. Islamist militants' expanding influence over territory in KP and the FATA has led to severe practical restrictions on local inhabitants' dress, social behavior, educational opportunities, and legal rights. The militant groups also target political leaders (particularly from the ANP), tribal elders, teachers, and aid workers in their quest for control over local populations. In July 2012, women's rights advocate Farida Afridi was murdered outside her home; she had previously received threats regarding her work. Although many of the internally displaced civilians in KP have returned to their homes over the past several years, hundreds of thousands remained displaced in the FATA. The SATP reported that 6,211 people were killed nationwide in terrorist- or insurgent-related violence in 2012, including 3,007 civilians, 732 security force personnel, and 2,472 militants, a level roughly comparable to the previous year but an increase in the number of civilians affected.

A simmering insurgency continued in Balochistan, with ethnic Balochi activists demanding either enhanced political autonomy or outright independence as well as more local control over the province's natural resources. Armed militants carried out a growing number of attacks on infrastructure, security forces, and non-Balochi teachers and educational institutions during the year. The army's counterinsurgency operations have led to increasing human rights violations and

the displacement of civilians. Thousands of activists, political leaders, and other locals with suspected separatist sympathies have been detained, according to the International Crisis Group, with scores killed in apparent extrajudicial executions. Sunni militants, seen to operate under the protection of the security forces, carried out a campaign against mostly ethnic Hazara Shiites in Balochistan, killing dozens of Hazaras in a series of targeted attacks in 2012. After years of inaction, in May a number of key stakeholders agreed to a change of approach by the federal government that emphasized a political rather than a military solution to the crisis, including opening talks with insurgents and placing the paramilitary forces responsible for many of the abuses under political rather than military control.

Ethnic violence in Karachi escalated further in 2012, killing nearly 2,000 people, mostly ordinary civilians. The turf battles are exacerbated by the fact that each faction has the support of a political party, including the traditionally dominant Muttahida Qaumi Movement (MQM), which represents refugees from India who settled in Karachi in 1947; the ANP, representing ethnic Pashtun migrants from other areas of Pakistan; and the PPP, which is allied with Balochi gangs. The criminal gangs that carry out much of the violence also regularly extort money from businesses in Karachi, a crucial economic hub.

Pakistan hosts approximately 1.65 million registered Afghan refugees and more than a million undocumented Afghans, with the majority living in urban areas rather than refugee settlements on the border. They face societal and official discrimination as well as economic exploitation, since even registered refugees are not allowed to work legally. Other marginalized groups, including Dalits, or lower castes, also face multiple forms of discrimination.

Traditional norms, discriminatory laws, and weak policing contribute to a high incidence of rape, domestic abuse, and other forms of violence – including acid attacks – against women. According to the HRCP, up to 80 percent of women are victims of such abuse during their lifetimes. Female victims of sexual crimes are often pressured by police not to file charges, and they are sometimes urged by their families to commit suicide. Gang rapes sanctioned by village councils to punish the targeted woman's relatives continue to be reported, even though perpetrators in some cases have received harsh sentences. The 2006 Women's Protection Act requires judges to try rape cases under criminal law rather than Sharia. However, extramarital sex is still criminalized, and spousal rape is not recognized as a crime. According to the HRCP, at least 913 women were killed by family members in so-called honor killings in 2012, a level similar to the previous year, but many such crimes may go unreported. Illegal forms of child and forced marriage remain problems, and women who attempt to choose their own spouse often face severe pressure and retribution from family members, including murder. Most interfaith marriages are considered illegal, and the children of such unions would be illegitimate.

However, in the past several years, a number of laws have attempted to improve women's legal rights and avenues for redress against abuse and discrimination. In 2011, the Prevention of Anti-Women Practices Act explicitly recognized a range of practices – including acid attacks, forced marriage, and honor killings – as criminal acts, and afforded protection to victims, while the Acid Control and Acid Crime Prevention (Amendment) Bill provided guidelines on jail terms and fines for perpetrators of acid attacks. In March 2012, Zardari signed the National Commission on the Status of Women Bill, which strengthened the commission's autonomy and ability to investigate violations.

Pakistani inheritance law discriminates against women, who also face unofficial discrimination in educational and employment opportunities. Two laws were enacted in 2010 to criminalize sexual harassment in the workplace and establish related codes of conduct and mechanisms for complaints. The trafficking of women and children remains a serious concern, with female victims used for forced labor or sexual exploitation.

Legal and societal discrimination against gay men and lesbians is pervasive, and most individuals do not identify themselves as such openly. In 2009, the Supreme Court ordered that hijras (a term covering transvestites, hermaphrodites, and eunuchs) be considered equal citizens and allowed to classify themselves as a distinct gender on national identity cards. In late 2012, transgender citizens were included as a category in the country's computerized national identity card process, which would allow this group voting rights in the forthcoming elections.

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