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Pakistani Kashmir* 2021

NOT FREE

28
/100

<u>Political Rights</u>	9 /40
<u>Civil Liberties</u>	19 /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.*



Freedom Status

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 2020

- Rigorous lockdown measures to combat the COVID-19 pandemic were implemented in both AJK and GB in March and April, and restrictions were reimposed more briefly during a second wave of infections in the autumn. Journalists were exempted from the restrictions, and normal life—including the limited freedom of assembly—resumed outside the lockdown periods.
- Elections for the GB legislature were held in November. The ruling party in Pakistan, Pakistan Tehreek-e-Insaf (PTI), initially won fewer than half of the directly elected seats, but several independents quickly joined the party, giving it a majority. Khalid Khurshid Khan of the PTI was duly elected as chief minister in December. Opposition parties complained of election rigging but took up their seats in the new assembly.
- Pakistani and Indian forces exchanged fire across the Line of Control (LoC) separating their de facto Kashmiri territories throughout the

year. Pakistan reported over 3,000 Indian violations of the 2003 cease-fire arrangement, which allegedly killed 28 civilians and injured more than 249 others in 2020.

- The prospect that GB could be granted provisional provincial status in Pakistan remained under discussion during the year, but no substantive changes were made.

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 2016 elections, the new assembly elected the local leader of Pakistan's then ruling Pakistan Muslim League—Nawaz (PML-N), Raja Farooq Haider, as prime minister, and Masood Khan, formerly a senior Pakistani diplomat, as president. They remained in office during 2020, despite the presence of a PTI government in Pakistan since 2018. 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.

GB residents who sought de facto provincial status challenged the 2018 order, and in 2019 the Pakistani Supreme Court instructed the Pakistani government to fully address GB's constitutional status. In May 2020, the Pakistani president amended the 2018 order to provide for a caretaker administration in GB that would preside over elections in November. In September, Pakistan's chief of army staff chaired a meeting at which Pakistani politicians apparently agreed on a shift toward provincial status for GB, and the PTI campaigned on the pledge ahead of the elections. The PTI duly won the balloting, in keeping with a long-standing pattern in which elections in AJK and GB are won by the local branch of the party in power in Pakistan. Khalid Khurshid Khan of the PTI was elected as GB chief minister in December, and Pakistani prime minister Imran Khan formed a committee tasked with making recommendations on GB's constitutional status. Despite these moves, there was still significant opposition to a change in GB's status in both AJK and the Pakistani establishment.

A2 0-4 pts

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

2 / 4

Neither AJK nor GB is represented in the Pakistani Parliament.

The AJK Legislative Assembly as of 2020 had 49 seats; the region's election commission in 2019 finalized the creation of four new seats, which were due to be filled in the 2021 elections. Of the existing seats, 41 were filled through direct elections: 29 with constituencies based in the territory and 12 meant to represent Kashmiri refugees throughout

Pakistan. Another eight were reserved seats: five for women and one each for representatives of overseas Kashmiris, technocrats, and religious leaders. The PML-N won the 2016 elections with 31 seats. The local branch of the Pakistan People’s Party (PPP) won three seats, as did the Muslim Conference, while the PTI secured two. The remaining two seats were won by the Jammu Kashmir Peoples Party and an independent. The election process was largely peaceful, though both the PPP and the local PTI leader complained of preelection manipulation, including the use of federal development funds to boost support for the PML-N.

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.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?	1 / 4
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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 Pakistani president’s May 2020 order to set the stage for the November GBA elections applied Pakistan’s 2017 election law to GB and called for a neutral caretaker administration to replace the incumbent GB government until the elections. 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
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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. 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.

The issue of jailed GB political activists emerged again during the 2020 election campaign. Supporters and family members of 14 activists from Hunza, including Baba Jan of the Awami Workers Party, who were jailed in 2011 for protests over government mishandling of a natural disaster staged a seven-day sit-in in October 2020 and blocked the Karakorum Highway. The caretaker administration promised to have the men released, and the last members of the group were freed by late November 2020.

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. The installation by the PTI government in Islamabad of a caretaker administration in GB prior to the 2020 elections may be interpreted as a move to eliminate the advantage of local incumbency, but it also underscored the institutional benefits that accrue to the incumbent party in Pakistan with regard to AJK and GB elections. While the PML-N was in power in Islamabad, federal authorities were similarly accused of working to manipulate the 2016 AJK Legislative Assembly elections in favor of that party.

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. The election observation group Free and Fair Election Network (FAFEN) analyzed new voter registrations and highlighted a persistent gender gap, with nearly 9 percent fewer women than men among all registered GB voters.

Shiite Muslims, Sunni Muslims, and members of the Ismaili offshoot of Shia Islam are represented in the GBA, having won directly elected seats. A small Shiite party allied itself with the PTI in the 2020 balloting. 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. Proponents have claimed that this would reduce any legal concerns hampering Chinese investment as part of the China-Pakistan Economic Corridor (CPEC) infrastructure project and grant GB residents the constitutional rights enjoyed by Pakistani citizens. However, figures associated with the struggle against Indian control of Kashmir have criticized the GB proposal as a weakening of the commitment to full Kashmiri accession to Pakistan. While the debate continued in 2020, 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
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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.

ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTION

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 / 0

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
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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
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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
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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 August 2020, despite the pandemic, ruling and opposition parties participated in highly choreographed anti-India speeches, demonstrations, and a special sitting of the AJK Assembly to mark the first anniversary of the Indian government's revocation of Jammu and Kashmir's autonomy.

Among other examples of tolerated protests during the year, medical professionals demonstrated in GB in June over their working conditions amid the pandemic. In October, the prisoner support group Aseeran-i-Hunza Rihaee Committee held its sit-in and blockade of the Karakoram Highway, which helped prompt the release of the political activists detained in 2011. The main political parties were all able to campaign and hold meetings ahead of the tightly controlled GBA elections, although not on the scale of those prior to the pandemic. The PPP and PML-N also organized protest demonstrations after the elections.

In February 2020, the proindependence Jammu and Kashmir Liberation Front (JKLF) asserted its freedom of assembly by organizing rallies in AJK to commemorate leaders killed on the Indian-held side, but three participants in one of the rallies were injured by Indian forces firing across the LoC.

E2 0-4 pts

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

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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, which remained unresolved in 2020.

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. Since 2015, the Pakistani government has allowed civilians facing charges of terrorism or sectarian violence to be tried in military courts, which have fewer due process protections and can impose the death penalty.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	1 / 4
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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 is supposed to protect AJK from attacks across the LoC. However, the two armies engaged in near-constant exchanges of fire during 2020, after a 2019 suicide attack on the Indian side killed more than 40 paramilitary police officers and set off a period of intensified hostilities. Pakistan reported over 3,000 Indian violations of the cease-fire in 2020, which allegedly killed 28 civilians and injured more than 249 others. Although some of the firing struck military targets, it was often directed at civilians, damaged their residences, and left them at risk of injuries from unexploded ordnance. The Pakistani army reported that the Indian military used cluster munitions, which are particularly dangerous to civilians.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	0 / 4
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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, employment, or education?

2 / 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.

Rigorous lockdown measures were implemented in both AJK and GB in March and April 2020 in response to the COVID-19 pandemic, and restrictions were reimposed more briefly during a second wave of infections in the autumn. They were not seen as unusually onerous or disproportionate.

G2 0-4 pts

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

2 / 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, protection from domestic violence, and control over appearance?

1 / 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. There are divergent views in GB regarding the extent to which local people

stand to gain from economic activity generated by the centrally managed CPEC.

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.

On Pakistani Kashmir

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Country Facts

Global Freedom Score

28/100 Not Free

Other Years

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