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2015 Scores

Status: Not Free

Freedom Rating (1 = best, 7 = worst): 5.5

Civil Liberties (1 = best, 7 = worst): 5

Political Rights (1 = best, 7 = worst): 6

OVERVIEW

In 2014, 12 political activists in Gilgit-Baltistan (GB) were sentenced to life imprisonment under the country's antiterrorism laws for speaking out for the rights of the local people. This prompted protests calling for the removal of such laws.

A series of attacks on Shiite Muslim communities in Pakistan during the year killed a number of GB residents, leading to protests. In October, sectarian militants attacked a van of Shia Muslims on Gilgit-Skardu road, killing three people.

Monsoon rains across the valley in 2014 flooded many regions of Azad Jammu and Kashmir (AJK) and GB. In AJK, 63 people lost their lives; 11 were reported dead in GB.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 9 / 40 (+1)

A. Electoral Process: 4 / 12 (+1)

Pakistan seized control of both AJK and GB following the partition of British India in 1947. AJK enjoys nominal self-government, while Pakistan assumed direct administration of GB. Pakistan never formally incorporated either territory, leaving them neither sovereign nor provinces of Pakistan. Instead the relationship has been determined by various provisional arrangements pending a final settlement of the dispute with India. Article 1 of the constitution of Pakistan, which defines the territories of the country, obliquely refers to these areas as "such States and territories as are or may be included in Pakistan, whether by accession or otherwise."

AJK operates under an interim constitution enacted in 1974. A president, elected by the Legislative Assembly, serves as head of state, while the elected prime minister is the chief executive. An AJK Council is based in Pakistan's capital, Islamabad, consisting of both Kashmiri and Pakistani officials. The council holds a number of key executive, legislative, and judicial functions, such as the authority to appoint superior judges and the chief election commissioner. The constitution can theoretically be amended by a majority of the total membership of the Legislative Assembly and the Council in a joint sitting.

Of the AJK Legislative Assembly's 49 seats, 41 are filled through direct elections: 29 with constituencies based in the territory and 12 representing Kashmiri "refugees" throughout Pakistan. Another eight are reserved seats: five for women and one each for representatives of overseas Kashmiris, technocrats, and religious leaders. The system disproportionately favors nonresident refugees over AJK residents, yet the nonresident elections are more vulnerable to manipulation by federal Pakistani authorities; the party in office at the federal level invariably wins these seats. In the 2011 legislative elections, the Azad Kashmir Peoples' Party (AKPP) – affiliated with Pakistan's then ruling Pakistan People's Party (PPP) – won 20 of the 41 seats, followed by the Pakistan Muslim League-Nawaz (PML-N) with nine seats and the Muslim Conference (MC) party with five. AKPP leader Chaudhry Abdul Majid became prime minister, and Sardar Muhammad Yaqoob Khan was installed as president. The elections were marred by allegations of rigging and vote buying, as well as some violence and harassment, with at least three election-related killings reported. The Muttahida Qaumi Movement (MQM), which was a coalition partner in the PPP-led governments in AJK and GB, announced in late October 2014 that it was breaking the alliance, days after it quit the federal government.

Local elections in the AJK scheduled for April 2014, which would have solidified democratic institutions, were postponed.

GB is governed under the 2009 Gilgit-Baltistan Empowerment and Self-Governance Order (GBESGO), which can only be amended by the Pakistani government. The political structure includes a 33-member GB Legislative Assembly (GBLA) and a 15-member Gilgit-Baltistan Council (GBC), headed by the Pakistani prime minister and vice-chaired by a federally appointed governor. The GBC consists of six members of the GBLA and nine Pakistani Parliament members appointed by the governor. The GBLA in turn is composed of 24 directly elected members, six seats reserved for women, and three seats reserved for technocrats; the reserved seats are filled through a vote by the elected members. The GBLA has the authority to choose the chief minister and introduce legislation on 61 subjects. Ultimate authority rests with the governor, who has significant power over judicial appointments and whose decisions cannot be overruled by the GBLA. Many fiscal powers remain with the GBC rather than the elected assembly. A majority of high-level positions in the local administration are reserved under the GBESGO for Pakistani bureaucrats.

In 2009 elections for the GBLA, the PPP won 12 of the 24 directly elected seats. Of the remainder, 10 were divided among four other parties and four independents, and voting for two seats was postponed. Syed Mehdi Shah, head of the PPP's Gilgit-Baltistan chapter, became chief minister. Independent observer missions characterized the elections as competitive, despite flaws including an inaccurate voter list, allegations of rigging and interference, and misuse of state resources to benefit the PPP. The current GBLA will complete its term in late 2014, and new elections are scheduled to be held in 2015. Following the death of Governor Shama Khalid from cancer in September 2010, Pir Karam Ali Shah, a member of the GBLA, was appointed as governor in January 2011.

B. Political Pluralism and Participation: 4 / 16

The interim constitution of AJK bans political parties that do not endorse the territory's eventual accession to Pakistan, and government employees must declare loyalty to the cause of accession. Similar rules prevail in GB, meaning nationalist leaders and parties are denied access to the political process and public employment. Those who oppose Pakistani rule are also subject to surveillance, harassment, and sometimes imprisonment. GB nationalist leaders have accused the authorities of preventing their parties from holding public gatherings, and a number of nationalist leaders and candidates were arrested during the 2009 GBLA election campaign period.

Historically, it has been the norm for the party in office at the federal level to form the local governments in AJK and GB. When a change occurred at the federal level, a transition would be effected in the local assemblies through cross voting and party switching. This has been a source of considerable political corruption. In 2013, after a PML-N government replaced the PPP in Pakistan, the new ruling party at the federal level stopped the local units from undertaking a full-fledged political coup. Nevertheless, the federal government continues to exercise control over the AJK and GB political processes.

In a case of brazen political violence, a brother of a minister in the AJK government allegedly shot and injured his political opponent in November 2014 in a business center of the local capital city and then escaped in an official vehicle.

C. Functioning of Government: 3 / 16

Because Pakistan maintains that their final status cannot be decided until a UN-sponsored plebiscite is held for the entire disputed region, the two units are left in constitutional limbo and do not enjoy the same rights as other provinces. They do not have seats in the Pakistan parliament or in constitutional bodies established for consultation and coordination between the federal government and the provinces. In general, the governance of these territories is marred by corruption and arbitrary exercise of power by bureaucrats. Accountability and transparency are hampered by the two territories' lack of representation in the federal government.

The federal authorities have direct control over certain areas of governance including defense and foreign affairs, and indirect control over many others through the AJK Council and GBC. The areas of responsibility left to the local authorities are consequently limited. Even on those issues, effective authority is exercised by senior civil servants appointed by the federal government.

AJK receives a large amount of financial aid from Islamabad, but successive administrations have been tainted by corruption and incompetence.

Discretionary Political Rights Question B: -2 / 0

The Sunni Muslim share of the population in GB has increased significantly since a pre-1947 rule was abolished to allow immigration from different parts of Pakistan. State agencies are suspected of deliberately engineering a demographic change in the sparsely populated Shiite-majority region. Under the 2009 GBESGO, settlers were given formal citizenship rights in GB. The pre-1947 restrictions on acquiring citizenship are still in place in AJK.

Civil Liberties: 20 / 60 (-1)

D. Freedom of Expression and Belief: 6 / 16

AJK and GB are subject to laws that curb freedom of expression, particularly related to the political status of the region. Media houses need permission from the AJK Council and the federal Ministry of Kashmir Affairs and Gilgit-Baltistan to operate. Though a wide range of media are present and active, censorship of political content, both direct and indirect, is common. Self-

censorship is also prevalent as a means of avoiding state harassment. A number of local dailies have faced bans. In GB there have been reports of journalists being fired if they refuse to toe the government line. The government is known to withdraw advertisements, which are a source of revenue for media houses, from outlets seen as too critical. AJK and GB have access to the internet, with the same restrictions as in Pakistan. Usage is largely limited to urban areas.

Pakistan is an Islamic republic and has numerous restrictions on religious freedoms, including blasphemy laws, that are also enforced in AJK and GB. Sectarian tensions are sharper in GB, a Shiite-majority region.

Educational opportunities in the region are limited. Academics are not free from political indoctrination. Any expression of views contradicting the official line on the region's status can invite censure and even legal action. Student union activity has long been under state surveillance for signs of nationalist political views. Local languages and scripts are not taught in government schools.

E. Associational and Organizational Rights: 4 / 16 (-1)

There are restrictions on freedom of assembly and association. The AJK interim constitution bans activities that are prejudicial to AJK's accession to Pakistan. Nationalist groups are subject to persecution. Nevertheless, demonstrations and protests remain common, especially in AJK. The harsh curbs on assembly are limited mostly to issues that concern the region's status vis-à-vis Pakistan. Protests during the year focused on issues including teacher salaries, power outages, demands for royalties and rights from hydroelectric projects in the region, as well as revocation of antiterrorism laws from the region.

In April 2014, religious and political parties staged demonstrations for nearly two weeks in GB against suspension of wheat subsidies to the region. In November, on the eve of Prime Minister Nawaz Sharif's visit to Muzaffarabad (capital of AJK), victims of the devastating 2005 earthquake staged a protest calling for reconstruction in quake-affected areas.

Humanitarian nongovernmental organizations (NGOs) operate freely. However, NGOs working on political or human rights issues face intense government scrutiny and, in some cases, harassment.

AJK is subject to labor laws similar to those in Pakistan, though with fewer protections for workers. Unions and professional organizations are frequently barred. Labor laws and activities are at a very nascent stage of development in GB.

F. Rule of Law: 4 / 16

AJK has a multitiered, dual judicial system with a Supreme Court, a High Court, and district courts. Islamic judges handle criminal cases involving Sharia (Islamic law), while regular judges deal with other criminal and civil cases. The president of AJK, in consultation with the AJK Council, appoints the chief justice of the 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. Under the constitution the president is bound by the advice of the prime minister, making judicial appointments easily susceptible to manipulation by the executive in AJK and by federal institutions through the AJK Council. This has led to a politicized judiciary. Charges of nepotism, favoritism, and corruption are common, as are delays in judicial proceedings, due in part to unfilled vacancies in the courts.

GB has a Supreme Appellate Court and a GB Chief Court. The chief judge and other judges of the Supreme Appellate Court are appointed on a contractual basis by the prime minister of Pakistan in

his capacity as chairman of the GBC, on the recommendation of the governor. Though the 2009 GBESGO is silent about the role of the Ministry of Kashmir Affairs and Gilgit-Baltistan, all appointments to the top judiciary have been routed through the ministry in practice. The process of appointments is consequently lengthy and gives disproportionate influence to the federal government. There have been instances in which the ministry has not honored the recommendations of the local government in a timely manner, leading to delays and dysfunction in the courts. Some areas in GB have parallel or informal judicial systems, including some operated by religious authorities.

The federal government, army, and intelligence agencies have a considerable presence in AJK and GB, and surveillance of political activities is the norm. Arbitrary arrests, torture, and deaths in custody at the hands of security forces have been reported, especially targeting independence supporters and other activists. In GB, a nascent free-Balawaristan movement, seeking independence for GB and neighboring areas under Chinese control, has been crushed ruthlessly.

Extremist groups devoted largely to attacks on Indian-administered Jammu and Kashmir operate from the region and have links with similar factions based in Pakistan and Afghanistan. Internecine tension between pro-Pakistan and nationalist Kashmiri militant groups is common. The militant groups have been able to expand their influence in both AJK and GB. The Tehrik-e-Taliban Pakistan (TTP) and its affiliates have frequently targeted the Shiite population.

Pakistan has signed agreements with China for investment in mineral exploration and infrastructure development in GB. Local residents resent the Chinese presence, as the workers are seen to be taking away jobs and revenue from the exploitation of the region's resources. There have been instances of attacks on Chinese nationals in recent years.

G. Personal Autonomy and Individual Rights: 6 / 16

The citizens of AJK and GB have Pakistani national identity cards and passports. They are internationally recognized as Pakistani nationals. However, there are reports of passports being denied or not renewed for citizens suspected of questioning Pakistani control over the region. Pakistan has been reluctant to offer citizenship to migrants displaced from Indian-administered Jammu and Kashmir. Many of these refugees have been subjected to abuse and arbitrary arrest for demanding their rights.

The pre-1947 state subject law, which is still in effect in AJK and bars outsiders from seeking permanent residency, allows only legal residents to own property. Procedures for establishing private enterprises are onerous.

AJK and GB are economically dependent on federal assistance. The Pakistani government exercises full control over decisions on how the natural resources of the region are used. GB is rich in minerals, and AJK has abundant water. Four large hydropower projects that supply electricity to the rest of Pakistan have been undertaken in AJK. Nevertheless, the region faces persistent electricity cuts. In late October, this led to protests in AJK in which local residents blocked the Muzfarrabad-Rawalpindi highway to press for immediate payment of compensation to those affected by hydropower projects. The hydropower projects have displaced a number of people who were promised resettlement compensation packages.

Instances of violence against women and honor killings are rarer in AJK than in GB. The media reported at least 21 honor crimes in GB in 2014. Though the law prohibits discrimination on the basis of sex, treatment is unequal in practice. While women are legally permitted to marry without the consent of their family, they frequently face societal censure if they do so. Many women are victims of forced marriages. Inheritance laws are skewed heavily against women, who in most

cases receive far less than their rightful share. While school enrollment is less for girls than for boys in GB, the gap has narrowed in recent years.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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